Wellness Policy Each district must establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast program under the jurisdiction of the district. The local school wellness policy is a written plan that includes methods to promote student wellness, prevent and reduce childhood obesity, and provide assurance that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum federal standards. *7 C.F.R. 210.31(a)*

School Day "School day" means the period from the midnight before, to 30 minutes after the end of the official school day. *7 C.F.R. 210.11(a)(5)*

School Campus "School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day. *7 C.F.R. 210.11(a)(4)*

Contents At a minimum, a local school wellness policy must contain:

1. Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing these goals, a district must review and consider evidence-based strategies and techniques;
2. Standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the district;
3. Standards and nutrition guidelines for all foods and beverages sold to students during the school day on each participating school campus under the jurisdiction of the district that:
    a. Are consistent with applicable requirements set forth in 7 C.F.R. 210.10 (meal requirements for lunches and afterschool snacks) and 220.8 (meal requirements for breakfasts);
    b. Are consistent with the nutrition standards set forth under 7 C.F.R. 210.11 (competitive food service and standards);
    c. Permit marketing on the school campus during the school day of only those foods and beverages that meet the nutrition standards under 7 C.F.R. 210.11; and
    d. Promote student health and reduce childhood obesity;
4. Identification of the position of the district or school official(s) responsible for the implementation and oversight of the local school wellness policy to ensure each school's compliance with the policy;

5. A description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy; and

6. A description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public as required below.

Public Involvement and Notification

A district must:

1. Permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy.

2. Inform the public about the content and implementation of the local school wellness policy, and make the policy and any updates available to the public annually.

3. Inform the public about progress toward meeting the goals of the local school wellness policy and compliance with the local school wellness policy by making the triennial assessment, as required at item 2 under Implementation Assessments and Updates below, available to the public in an accessible and easily understood manner.

Implementation Assessments and Updates

A district must:

1. Designate one or more district or school officials to ensure that each participating school complies with the local school wellness policy.

2. At least once every three years, assess schools' compliance with the local school wellness policy, and make assessment results available to the public. The assessment must measure the implementation of the local school wellness policy, and include:

    a. The extent to which schools under the jurisdiction of the district are in compliance with the local school wellness policy;

b. The extent to which the district's local school wellness policy compares to model local school wellness policies; and

c. A description of the progress made in attaining the goals of the local school wellness policy.

3. Make appropriate updates or modifications to the local school wellness policy, based on the triennial assessment.

Recordkeeping

A district must retain records to document compliance with the requirements of this policy. These records include, but are not limited to:

1. The written local school wellness policy;

2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public as required at Implementation Assessments and Updates above; and

3. Documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction.

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, sec. 204, 124 Stat. 3183 (2010) [42 U.S.C. 1758b]; 7 C.F.R. 210.31(c)–(f)

[See CO for requirements relating to food services management, EHAA for state law requirements relating to health education, and FJ for requirements relating to food and beverage fundraisers.]

Change in Health Services

Before a district or a school may expand or change the health-care services available at a school in the district from those that were available on January 1, 1999, the board must:

1. Hold a public hearing at which the board provides an opportunity for public comment and discloses all information on the proposed health-care services, including:

a. All health-care services to be provided;

b. Whether federal law permits or requires any health-care service provided to be kept confidential from parents;

c. Whether a child's medical records will be accessible to the parent;

d. Information concerning grant funds to be used;

e. The titles of persons who will have access to the medical records of a student; and

f. The security measures that will be used to protect the privacy of students' medical records.

2. Approve the expansion or change by a record vote.

Education Code 38.012

[For information regarding school-based health centers, see FFAE.]

Parental Right to Information

Notification Procedure

The Texas Education Agency (TEA) shall adopt a procedure for school districts to notify the parent of a student enrolled in the district regarding any change in services provided to or monitoring of the student related to the student's mental, emotional, or physical health or well-being.

A school district may not adopt a procedure that:

1. Prohibits a district employee from notifying the parent of a student regarding information about, or a change in services provided to or monitoring of the student related to, the student's mental, emotional, or physical health or well-being;

2. Encourages or has the effect of encouraging a student to withhold from the student's parent information described by item 1; or

3. Prevents a parent from accessing education or health records concerning the parent's child.

These requirements do not require the disclosure of information to a parent if a reasonably prudent person would believe the disclosure is likely to result in the student suffering abuse or neglect, as those terms are defined by Family Code 261.001.

District Employees

A district employee may not discourage or prohibit parental knowledge of or involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

Any student support services training developed or provided by a district to district employees must comply with any student services guidelines, standards, and frameworks established by the State Board of Education and TEA.

Notice of Health-Related Services

Before the first instructional day of each school year, a district shall provide to the parent of each student enrolled in the district written notice of each health-related service offered at the district campus the student attends. The notice must include a statement of the parent's right to withhold consent for or decline a health-related

service. A parent's consent to a health-related service does not waive a requirement discussed above.

Consent for Questionnaire or Form

Before administering a student well-being questionnaire or health screening form to a student enrolled in prekindergarten through 12th grade, the district must provide a copy of the questionnaire or form to the student's parent and obtain the parent's consent, which must be made in writing and returned to the district, to administer the questionnaire or form.

Limitations on Statute

These requirements may not be construed to:

1. Limit or alter the requirements of Education Code 38.004 (child abuse reporting) or Family Code Chapter 261 (investigation of report of child abuse or neglect); or
2. Limit a school district employee's ability to inquire about a student's daily well-being without parental consent.

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling and mental health, see FFEA and FFEB.]

Education Code 26.0083(a)-(i)

Consent to Certain Activities

Definitions

"Biometric identifier" means a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

"Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

"Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

Psychological or Psychiatric Examination, Test, or Treatment

An employee or contractor of a school district must obtain parental consent before the employee or contractor may conduct a psychological or psychiatric examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or

2. State or federal law regarding requirements for special education.

Biometric Identifiers and Health or Medical Information

An employee or contractor of a school district must obtain parental consent before the employee or contractor may, unless authorized by other law:

1. Collect, use, store, or disclose to any person other than the child's parent a child's biometric identifiers; or
2. Disclose a child's health or medical information to any person other than the child's parent.

Notice

Before the first instructional day of each school year, a school district shall provide to the parent of each student enrolled in the district written notice of any actions the district may take involving the authorized collection, use, or storage of biometric identifiers or health or medical information. The notice must:

1. Include a plain language explanation for the district's collection, use, or storage of the child's information and the district's legal authority to engage in that collection, use, or storage; and
2. Be signed by the parent and returned to the district.

Health-Care Services or Medication

An employee or contractor of a school district must obtain parental consent before the employee or contractor may provide health-care services or medication or conduct a medical procedure.

Consent Requirements

Parental consent required for a parent's child to participate in a psychological or psychiatric examination test or treatment or the collection or use of biometric identifiers or health or medical information as described above must be signed by the parent and returned to the district. A child may not participate in the activity unless the district receives the parent's signed written consent to that activity.

Exception

For the purpose of obtaining written consent to provide health-care services or medication or conduct a medical procedure that is determined by the district to be routine care provided by a person who is authorized by the district to provide physical or mental health-related services, the district may obtain consent at the beginning of the school year or at the time of the child's enrollment in the district. Unless otherwise provided by a child's parent, written consent obtained for this purpose is effective until the end of the school year in which the consent was obtained.

Retention

The district shall retain the written informed consent of a child's parent obtained as part of the child's education records.

Limitations on Statute

Nothing in this section may be construed to:

1. Require an employee or contractor of a district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being; or
2. Affect the duty to report child abuse or neglect under Family Code Chapter 261 or an investigation of a report of abuse or neglect under that chapter.

Education Code 26.009(a), (a-1), (a-2), (a-3), (c), (e), (f)