PHYSICAL FITNESS ASSESSMENT

Annually, the 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.

The 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.

Each student must be assessed 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].

REPORT

The 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.

The District may accept donations made to facilitate implementation of this subchapter.

Education Code Ch. 38, Subch. C; 19 TAC 103.1001

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

The Superintendent shall ensure that each student admitted to the 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

All students enrolled in the District shall be screened for vision and hearing problems in prekindergarten; kindergarten; and first, third, fifth, and seventh grades before May 31 of each year. Upon written request approved by TDSHS, the screening of vision and hearing may instead occur in prekindergarten; kindergarten; and first, second, fourth, and sixth grades. *25 TAC 37.23(d), (f)*

SCREENING ON ENROLLMENT

Students four years of age and older, who are enrolled in the 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 by December 31 of that year. *25 TAC 37.23(e)(1)*

OUTSIDE SCREENING

Except for students enrolled in kindergarten or first grade, the District shall exempt a student from screening if the student's parent or legal guardian submits proof that the student's vision and/or hearing has been screened within the prior reporting year. Proof of vision and hearing screening upon initial enrollment must be submitted to the District by the dates for screening upon enrollment. Proof for all other students must be submitted by May 31. *25 TAC 37.23(e)(3), .26(a)–(b)*

PROVISIONAL ADMISSION

A parent, guardian, managing conservator, or person having legal responsibility for the student's support may execute an affidavit stating that a person other than the screener used by the District shall conduct the screening as soon as is feasible. The student may be admitted on a provisional basis, or the student may be denied admission, until the screening results are provided to the District. *25 TAC 37.23(g)*

EXEMPTION—RELIGIOUS BELIEFS

The District shall not require a student to be screened if the parent, guardian, managing conservator, or person having legal responsibility for the student's support submits to the District, on or before the date vision or hearing screening is scheduled, an affidavit in lieu of the record of screening stating that the vision or hearing screening conflicts with the tenets or practices of a church or religious denomination of which the affiant is an adherent or member. *Health and Safety Code 36.005(b); 25 TAC 37.23(h)*

RECORDS

The District shall maintain the screening records required by statute and regulation. *Health and Safety Code 36.006; 25 TAC 37.24*

TRANSFER OF RECORDS

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. The District shall honor an original or true copy of the proofs of screening upon the transfer of a student from another Texas district. When a district's official record for a student contains entries of vision or hearing examinations or screening test results, the original or true and correct copy of the record may be transferred between districts. *Health and Safety Code 36.006(c); 25 TAC 37.28*

REPORTS

On or before June 30 of each year, the District shall submit to TDSHS a report on the screening status of its aggregate population screened during the reporting year. The results of required profes-

sional examinations or screening tests shall be reported as specified on forms approved by TDSHS. *Health and Safety Code 36.006; 25 TAC 37.26(c)(1)*

RISK ASSESSMENT FOR TYPE 2 DIABETES

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:

1. Identify students with acanthosis nigricans; and
2. Further assess students identified under paragraph 1 to determine the students':
   a. Body mass index; and
   b. Blood pressure.

The risk assessment shall be performed at the same time hearing and vision screening or spinal screening is performed.

Health and Safety Code 95.002(d), .003(a)

DISTRICT RESPONSIBILITY

The Superintendent shall ensure that each student admitted to the District complies with the risk assessment requirements or submits an affidavit of exemption. *Health and Safety Code 95.003(c)*

APPLICABILITY

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. *Health and Safety Code 95.002(b)*

OUTSIDE SCREENING

The student or minor student's parent, managing conservator, or guardian may elect to substitute a professional examination for the risk assessment. *Health and Safety Code 95.003(a)*

EXEMPTION—RELIGIOUS BELIEFS

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, on or before the day of the risk assessment process, an affidavit stating the objections to the risk assessment. *Health and Safety Code 95.003(b)*

RECORDS

The Superintendent shall maintain the risk assessment records required by the statute and regulations and enter the risk assessment information for each individual 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 the Office or the local health department. *Health and Safety Code 95.004(a)*

TRANSFER OF RECORDS

A student's risk assessment records may be transferred among schools without the consent of the individual, or, if the student is a minor, the student's parent, managing conservator, or guardian. *Health and Safety Code 95.004(c)*

ANNUAL REPORT

Each 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. *Health and Safety Code 95.004(e)*

SPINAL SCREENING

Each student required by rule of TDSHS to be screened shall undergo approved screening for abnormal spinal curvature. *Health and Safety Code 37.002(a)*

DISTRICT RESPONSIBILITY

The Superintendent shall ensure that each student admitted to the District complies with the screening requirements or submits an affidavit of exemption (see below). *Health and Safety Code 37.002(c), 25 TAC 37.148(m)*

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. Districts may implement a program that includes screening in grades 5 and 8 in lieu of grades 6 and 9. *25 TAC 37.148(a)–(b)*

SCREENING ON ENROLLMENT

New students enrolling in grades scheduled for screening (i.e., grades 6 and 9 or 5 and 8), who have no record of having received their scheduled screening(s) shall be screened the year they enroll. Districts shall consider offering 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. *25 TAC 37.148(c)*

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 which the student is an adherent or a member. The minor student's parent, managing conservator, or guardian must submit an affidavit stating the objections to screening. This affidavit shall be submitted on or before the day of the screening procedure each year the screening is performed. *Health and Safety Code 37.002(b); 25 TAC 37.148(d)*

ANNUAL REPORT

Each district shall submit to TDSHS an annual report of spinal screening performed during the school year no later than June 30 of the reporting year. The report shall be submitted as specified on a form issued by TDSHS. *25 TAC 37.148(n)*

TRANSFER OF RECORDS

A student's health record shall be acceptable as proof of screening if such record contains entries of screening results. In such case, the original or a true and correct copy of that record may be transferred between schools and shall be honored upon transfer of a student from another district in Texas or within the United States. *25 TAC 37.148(o)*

POLICY

As a condition of receiving funds under a program funded in whole or in part by the U.S. Department of Education (DOE), the 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 the District may administer to the student. The 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.

The 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).

NOTIFICATION AND OPT-OUT

At least annually at the beginning of the school year, the 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 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, the District shall offer an opportunity for the parent to opt the student out of participation in the examination or screening.

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)(1)(D), (2)–(4) [See EF]