

WELLNESS AND HEALTH SERVICES
PHYSICAL EXAMINATIONS

FFAA

PHYSICAL FITNESS ASSESSMENT	<p>Annually, the School shall assess the physical fitness of students in grades 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®). Educ. Code 38.101(a), .102(a).</p> <p>The School 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. Educ. Code 38.101(b)</p> <p>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]. Educ. Code 38.102(b)(1); 19 TAC 103.1001(b)</p>
REPORT	<p>The School 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.</p>
CONFIDENTIALITY	<p>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. Tex. Educ. Code 38.103</p>
VISION AND HEARING SCREENING	<p>The School may accept donations made to facilitate implementation of this subchapter. Tex. Educ. Code 38.105</p> <p>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). <i>Health and Safety Code 36.005(a)</i></p>
DISTRICT RESPONSIBILITY	<p>The superintendent shall ensure that each student admitted to the School complies with the screening requirements set by TDSHS or submits an affidavit of exemption (see below). <i>Health and Safety Code 36.005(c)</i></p>
SCREENING SCHEDULE	<p>All students enrolled in the School 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. <i>25 TAC 37.23(d), (f)</i></p>
ROUTINE SCREENING	
SCREENING ON ENROLLMENT	<p>Students four years of age and older, who are enrolled in the district for the first time, must be screened for possible vision and</p>

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 School 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 School by the dates for screening upon enrollment. Proof for all other students must be submitted by May 31. <i>25 TAC 37.23(e)(3), 37.26(a), (b)</i>
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 School 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 School. <i>25 TAC 37.25)</i>
EXEMPTION—RELIGIOUS BELIEFS	The School 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 School, 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. <i>Health and Safety Code 36.005(b); 25 TAC 37.25</i>
RECORDS	The School shall maintain the screening records required by statute and regulation. <i>Health and Safety Code 36.006; 25 TAC 37.26</i>
TRANSFER OF RECORDS	A student's screening records may be transferred among Schools without the consent of the student or minor student's parent, managing conservator, or guardian. The School shall honor an original or true copy of the proofs of screening upon the transfer of a student from another Texas School. When the School'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 Schools. <i>Health and Safety Code 36.006(c); 25 TAC 37.26</i>
REPORTS	On or before June 30 of each year, the School shall submit to TDSHS a report on the screening status of its aggregate population screened during the reporting year. The results of required professional examinations or screening tests shall be reported as specified on forms approved by TDSHS. <i>Health and Safety Code 36.006; 25 TAC 37.26(b)(6)</i>

TEXAS SCHOOL FOR THE DEAF

SPINAL SCREENING	Each student required by rule of TDSHS to be screened shall undergo approved screening for abnormal spinal curvature. <i>Health and Safety Code 37.002(a)</i>
NOTIFICATION	The Superintendent is responsible for notifying a parent, managing conservator, or guardian of the requirement to conduct a spinal screening, the purpose and the reasons for spinal screening and potential risk to the child if declined, the method used to perform the screening, and the method to decline spinal screening based on a religious belief exemption. 25 TAC 37.144(a)
SCHOOL RESPONSIBILITY	
SCREENING SCHEDULE	A superintendent shall ensure that each student admitted to the School 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(c)(1)</i>
ROUTINE SCREENING	Students who meet the criteria outlined in TDSHS policy shall be screened for abnormal spinal curvature before the end of the school year. 25 TAC 37.144(c)(1).
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. The School may offer a student the opportunity for spinal screening if the student has no record of having been screened previously. 25 TAC 37.144(c)(2), (3)
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. <i>Health and Safety Code 37.002(b); 25 TAC 37.148(d)</i>
ANNUAL REPORT	The School 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 School 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 School may administer to the student. The School 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.

NOTIFICATION AND OPT-OUT

The School need not develop and adopt new policies if TEA or the School had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1).

At least annually at the beginning of the school year, the School 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.

EXCEPTION

At a minimum, the School shall offer an opportunity for the parent to opt the student out of participation in the examination or screening.

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]

LICE

TSD requires an elementary school nurse who determines or otherwise becomes aware that a child enrolled in the School has lice to provide written or electronic notice of that fact to:

1. The parent of the child with lice as soon as practicable but not later than 48 hours after the administrator or nurse, as applicable, determines or becomes aware of that fact; and
2. The parent of each child assigned to the same classroom as the child with lice not later than the fifth school day after the date on which the administrator or nurse, as applicable, determines or become aware of that fact.

The notice:

1. Must include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of lice; and
2. May not identify the child with lice if the notice is to the parent of each child in the same classroom.

Educ. Code 38.031