

CONCERNED
WOMEN *for* AMERICA
OF TEXAS

From CWA of Texas State Director Ann Hettinger: The information below in italics is copied and pasted from the state Code covering health advisory committees. (**emphasis mine**). [Click here](#) to read the entire alert.

Sec. 28.004. LOCAL SCHOOL HEALTH ADVISORY COUNCIL AND HEALTH EDUCATION INSTRUCTION.

(a) The board of trustees of each school district shall establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

(b) A school district must consider the recommendations of the local school health advisory council before changing the district's health education curriculum or instruction.

This council is not optional.

(d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. The board of trustees also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified under this subsection:

- (1) classroom teachers employed by the district;*
- (2) school counselors certified under Subchapter B, Chapter 21, employed by the district;*
- (3) school administrators employed by the district;*
- (4) district students;*
- (5) health care professionals licensed or certified to practice in this state, including medical or mental health professionals;*
- (6) the business community;*
- (7) law enforcement;*
- (8) senior citizens;*
- (9) the clergy;*
- (10) nonprofit health organizations; and*
- (11) local domestic violence programs.*

The duties of the Council are:

c) The local school health advisory council's duties include recommending:

- (1) the number of hours of instruction to be provided in:
 - (A) health education in kindergarten through grade eight; and*
 - (B) if the school district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;**
- (2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:*

- (A) health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
 - (B) physical education and physical activity;
 - (C) nutrition services;
 - (D) parental involvement;
 - (E) instruction on substance abuse prevention;
 - (F) school health services, including mental health services;
 - (G) a comprehensive school counseling program under Section 33.005;
 - (H) a safe and healthy school environment; and
 - (I) school employee wellness;
- (3) appropriate grade levels and methods of instruction for human sexuality instruction;
- (4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:
- (A) school health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
 - (B) a comprehensive school counseling program under Section 33.005;
 - (C) a safe and healthy school environment; and
 - (D) school employee wellness;
- (5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies; and
- (6) strategies to increase parental awareness regarding:
- (A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - (B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns
- (6) appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods of administering an opioid antagonist, as defined by Section 483.101, Health and Safety Code.

Some of the criteria are:

- (d-1) The local school health advisory council shall meet at least four times each year.
- (e) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees with the advice of the local school health advisory council and must:
 - (1) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
 - (2) devote more attention to abstinence from sexual activity than to any other behavior;
 - (3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;
 - (4) direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, sexually transmitted

diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; and

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

(f) A school district may not distribute condoms in connection with instruction relating to human sexuality.

(g) A school district that provides human sexuality instruction may separate students according to sex for instructional purposes.

(h) The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with Subsections (e), (f), and (g).

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district 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).

(i-1) A parent may use the grievance procedure adopted under Section [26.011](#) concerning a complaint of a violation of Subsection (i).

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction available for reasonable public inspection.