

ACCOUNTABILITY FOR MANDATES

Schools are now accountable for a number of mandates enacted in 2003 and 2005 including the physical activity requirements, use of tobacco products, SHAC activities and food service policies imposed by the Texas Department of Agriculture.

Chronology of the rulings:

- In 2003, the 78th legislature mandated that schools make available for public inspection the school's physical activity policy to ensure that students receive the minimum amount as required by law.
- In 2005, the 79th legislature put more detail in the accountability component of the law. It requires:
 1. Schools to publish in student handbooks and post on their websites;
 - o Policies regarding compliance with health and physical activity legislation including data relating to student health and physical activity;
 - o Policies regarding compliance with vending machine and food service guidelines;
 - o Policies and procedures that prescribe penalties for the use of tobacco products by students and others on school campuses or at school sponsored or school related activities; and,
 - o The number of times during the preceding year the district's school health advisory council met
 2. Districts to provide the same report for each campus to the Commissioner of Education; which, will then be reported to the Texas legislature no later than December 1st of each year.

Section 28.004, Education Code, is amended to read as follows:

(k) A school district shall publish in the student Handbook and post on the district's Internet website, if the district has an Internet website:

(1) a statement of the policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least 30 minutes per school day or 135 minutes per school week of physical activity; and

(2) a statement of

(A) the number of times during the preceding year the district's school health advisory council has met;

(B) whether the district has adopted and enforces policies to ensure that district campuses comply with agency vending machine and food service guidelines for restricting student access to vending machines; and

(C) whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of tobacco products by students and others on school campuses or at school-sponsored or school-related activities.

Chapter 38, Education Code, is amended by adding Section 38.0141 to read as follows:

Sec. 38.0141. REPORTING OF CERTAIN HEALTH AND SAFETY INFORMATION REQUIRED. Each school district shall provide to the agency information as required by the commissioner, including statistics and data, relating to student health and physical activity and information described by Section 28.004 (k), presented in a form determined by the commissioner. The district shall provided the information required by this section for the district and for each campus in the district.