



**Texas Department of State Health Services
School Health Program**



Selected* State and Federal School Health Laws

*The following document is meant as a resource tool in assisting school nurses or other school health personnel in locating selected laws that relate to school health. It is not a full list, but a snapshot of the most frequently requested citations. If you need additional citations the following Web site is a valuable tool to search for state statutes: www.statutes.legis.state.tx.us.

Selected Laws Related to School Health and Health Services	State or Federal Code Chapter and Section	State and/or Federal Law
Access to Students Medical Records <ul style="list-style-type: none"> ▪ By Staff ▪ By Parents 	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.009 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.009 Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.095 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.0095	State
Alcohol Free School Zone	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.007 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.007	State
Asthma/Anaphylaxis	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.015 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.015	State
Anaphylaxis/Preference for states that require stock epi	National Public Health Services Act, Title 3, Part P, Section 399L School Access to Emergency Epinephrine Act (H.R. 2094) - GovTrack.us	Federal
Automated External Defibrillator (AED)	Health and Safety Code, Title 9, Chapter 779, Section 779.001 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.779.htm#779.001 Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.017 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.017	State
Blood Borne Pathogens	Health and Safety Code, Title 2, Subtitle D, Chapter 81, www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm#81.301 Texas Administrative Code, Title 25, Chapter 96, Section 96.101 http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=96&rl=Y	State and Federal Laws apply however State laws are only cited.

Breakfast programs	Texas Education Code, Title 2, Subtitle G, Chapter 33, Section 33.901 EDUCATION CODE CHAPTER 33. SERVICE PROGRAMS AND EXTRACURRICULAR ACTIVITIES	State
Bullying	Texas Education Code, Title 2, Subtitle G, Chapter 37, Section 37.001 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm#37.001 Texas Education Code, Title 2, Subtitle G, Chapter 25, Section 25.0342 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.0342	State
Cardio Pulmonary Resuscitation	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.017 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.017	State
Cardio Pulmonary Resuscitation for secondary students	Texas Education Code, Title 2, Subtitle G, Chapter 28, Section 28.0023 EDUCATION CODE CHAPTER 28. COURSES OF STUDY; ADVANCEMENT	State
Child Abuse Prevention and Reporting	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.004 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.004 Texas Administrative Code, Title 19, Chapter 61, Section 61.1051 http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=5&ti=19&pt=2&ch=61&sch=EE&rl=Y	State and Federal Laws apply
Requirement for Policy related to sexual abuse of children	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.0041 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.0041	
Communicable Diseases	Health and Safety Code, Title 2, Subtitle D, Chapter 81, Subchapter A, Section 81.041 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm#81.041 Texas Administrative Code, Title 25, Chapter 97, Subchapter A http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=97	State and Federal Laws apply
Consent for Treatment by Non-Parent or Child	Texas Family Code, Title 2, Chapter 32, Section 32.001 www.statutes.legis.state.tx.us/Docs/FA/htm/FA.32.htm	State
Consent for Treatment by a Minor for Certain Conditions (Mental Health Services, Pregnancy, Substance Abuse)	Texas Family Code, Title 2, Chapter 32, Section 32.002 and 32.003 www.statutes.legis.state.tx.us/Docs/FA/htm/FA.32.htm	State
Coordinated School Health Program (K-8 th)	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.013 and 38.014 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.013	State

CSH as part of the Campus Improvement Plan CSH and oral health education	Texas Education Code, Title 2, Subtitle C, Chapter 11, Section 11.253 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.253	
Dating Violence Policy	Texas Education Code, Title 2, Subtitle G, Chapter 37, Section 37.0831 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm#37.0831	State
Diabetes and Unlicensed Diabetes Care Assistant Training	Health and Safety Code, Title 2, Subtitle H, Chapter 168, Section 168.001 to Section 168.009 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.168.htm#168.001	State
Risk Assessment for Diabetes (not required in all parts of the state)	Health and Safety Code, Title 2, Subtitle D, Chapter 95, Section 95.001 to 95.006 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.95.htm	
Dietary Supplements	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.011 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.011	State
Dyslexia	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.003 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.003	State
Eye Protection	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.005 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.005	State
FERPA Law (Family Educational Rights and Privacy Act)	Federal Law- 20 U.S.C. § 1232g; 34 CFR Part 99 www2.ed.gov/policy/gen/leg/edpicks.jhtml?src=ln Federal Guidelines www2.ed.gov/policy/gen/guid/fpco/index.html	Federal
Food Allergy and Children At-Risk for Anaphylaxis	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.015 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.0151 DSHS Food Allergy Guidelines www.dshs.state.tx.us/schoolhealth/default.shtm Texas Education Code, Title 2, Subtitle G, Chapter 25, Section 25.0022 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.0022	State

Fitness Assessment	<p>Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.101 to 38.104 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.101</p> <p>Texas Administrative Code, Part 2, Chapter 103, Section 103.1001 http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=5&ti=19&pt=2&ch=103&sch=AA&rl=Y</p>	State
HIPAA Law Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191	<p>Federal Statute www.hhs.gov/ocr/privacy/hipaa/administrative/statute/index.html</p> <p>Rules www.hhs.gov/ocr/privacy/hipaa/administrative/privacyrule/index.html</p> <p>Home Page with Resources www.hhs.gov/ocr/privacy/hipaa/understanding/index.html</p> <p>Texas Web site www.dshs.state.tx.us/hipaa/default.shtm</p>	Federal
Immunizations	<p>Texas Education Code, Title 2, Subtitle G, Chapter 38, Subchapter A, Section 38.001 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.001</p> <p>Texas Administrative Code, Title 25, Chapter 97, Subsection B http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=97</p> <p>Texas Administrative Code, Title 25, Chapter 97, Subsection J http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=97</p>	State and Federal Laws apply
Joint Use Agreements/Establishing Community Partnerships	<p>Texas Education Code, Title 2, Subtitle G, Chapter 28, Section 28.004 EDUCATION CODE CHAPTER 28. COURSES OF STUDY; ADVANCEMENT</p>	State
Medicaid Reimbursement for Qualified Students and Services	<p>Medicaid-School Health and Related Services (SHARS) www.tea.state.tx.us/SHARS.html</p>	State and Federal Laws apply
Medication Administration	<p>Texas Education Code, Title 2, Subtitle D, Chapter 22, Section 22.052 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.22.htm#22.052</p>	State

Meningitis Notification Letter	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.0025 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.0025	State
Multi-hazard Emergency Operations Plan	Texas Education Code, Title 2, Subtitle G, Chapter 37, Section 37.108 and 37.109 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm#37.108	State and Federal Laws apply
Notice Concerning Health Care Services	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.012 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.012	State
Nursing-Definition of School Nurse	Texas Administrative Code (TAC), Title 153 Subchapter (cc) Section 153.1021 (17) http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=5&ti=19&pt=2&ch=153&sch=CC&rl=Y	State
<ul style="list-style-type: none"> ▪ Board of Nursing Position Statement on the Role of RN and LVN in Schools www.statutes.legis.state.tx.us/Docs/OC/htm/OC.301.htm#301.001 ▪ Board of Nursing Position Statement on Limitations for Expanding Scope of Practice www.bon.state.tx.us/practice/position.html#15.13 ▪ Board of Nursing Position Statement on the Duty of a Nurse in Any Practice Setting www.bon.state.tx.us/practice/position.html#15.10 ▪ Board of Nursing-Supervision of LVN www.bon.state.tx.us/practice/position.html#15.14 ▪ Board of Nursing-LVN Supervision and Practice Rule http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=22&pt=11&ch=217&rl=Y 	<p>Texas Occupations Code, Title 3, Subtitle E, Chapter 301 www.statutes.legis.state.tx.us/Docs/OC/htm/OC.301.htm#301.001</p> <p>BON Position Statement-Role of RN and LVN in Schools 15.13 www.bon.state.tx.us/practice/position.html#15.13</p> <p>BON Position Statement-Limitations for Expanding Scope of Practice 15.10 www.bon.state.tx.us/practice/position.html#15.10</p> <p>BON Position Statement-Duty of a Nurse in Any Practice Setting 15.14 www.bon.state.tx.us/practice/position.html#15.14</p> <p>NPA- Supervision of LVN Texas Board of Nursing - 2013 Practice</p> <p>NPA-LVN Supervision and Practice Rule Section 217.11 http://info.sos.state.tx.us/pls/pub/readtac\$ext.ViewTAC?tac_view=4&ti=22&pt=11&ch=217&rl=Y</p>	
Outside Counselors	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.008 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.008	State
P.A.P. A. Training	Texas Education Code, Title 2, Subtitle G, Chapter 28, Section 28.002 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm#28.002	State

Psychotropic Drugs and Psychiatric Evaluations or Examinations	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.016 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.016	State
Reporting Family Violence	Texas Family Code, Title 4, Subtitle C, Chapter 91, Section 91.001 www.statutes.legis.state.tx.us/Docs/FA/htm/FA.91.htm	State
School Health Advisory Council (SHAC)	Texas Education Code, Title 2, Subtitle F, Chapter 28, Section 28.004 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.28.htm#28.004	State
School Health Advisory Council-Physical Activity Sub-committee	Texas Education Code, Title 2, Subtitle F, Chapter 28, Section 28.004 EDUCATION CODE CHAPTER 28. COURSES OF STUDY; ADVANCEMENT	
School Safety Advisory Council at State Level	Texas Government Code, Chapter 418, Section 418.0426 (not yet updated on website)	State
Special Education Laws	Texas Education Code, Title 2, Subtitle F, Chapter 29, Section 29.001 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.001	State and Federal
Spinal Screening	Health and Safety Code, Title 2, Subtitle B, Chapter 37, Section 37.001 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.37.htm#37.001	State
Suicide training for teachers	Texas Education Code, Title 2, Chapter 21.044 EDUCATION CODE CHAPTER 21. EDUCATORS	State
Suicide/Violence Prevention as Part of the District Improvement Plan	Texas Education Code, Title 2, Subtitle C, Chapter 11, Section 11.252 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.252	State
Suicide/Mental Health/Substance Abuse Prevention Programs	Health and Safety Code, Chapter 161, Section 161.325 HEALTH AND SAFETY CODE CHAPTER 161. PUBLIC HEALTH PROVISIONS	State
Summer Food Service Program	Texas Agriculture Code, Chapter 12, Section 12.00291 AGRICULTURE CODE CHAPTER 12. POWERS AND DUTIES	State
Posting of Steroid Law and Steroid Testing	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.008 and Section 38.0081 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.008 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.0081	State
Tobacco On School Property Policy	Texas Education Code, Title 2, Subtitle G, Chapter 38, Section 38.006 www.statutes.legis.state.tx.us/Docs/ED/htm/ED.38.htm#38.006	State

Vision and Hearing Screening	Health and Safety Code, Title 2, Subtitle B, Chapter 36, Section 36.001 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.36.htm#36.001	State
Wellness Policy	The Child Nutrition and WIC Reauthorization Act of 2004, Section 204 www.fns.usda.gov/TN/Healthy/108-265.pdf Federal Resources www.cdc.gov/healthyyouth/healthtopics/wellness.htm	Federal
Youth Suicide Prevention	Health and Safety Code, Title 2, Subtitle B, Chapter 161, Section 161.325, Subchapter 0-1 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.161.htm#161.325 Texas Education Code, Title 2, Subtitle G, Chapter 11, Section 11.252(a) www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.252	State

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