

Physical Fitness Assessment

Annually, Heritage Academy shall assess the physical fitness of students in grades 3 through 12, using an assessment instrument adopted by the Commissioner.

Heritage Academy 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 to include:

1. Unrestricted;
2. Restricted (Permanent or Temporary);
3. Adapted and remedial.

Report

Heritage Academy shall compile the results of the physical fitness assessment and provide summary results, aggregated by grade level and any other appropriate category identified by Commissioner rule, to TEA. The summary results may not contain the names of individual students or teachers.

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.

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).

School Responsibility

The Superintendent shall ensure that each student admitted to Heritage Academy complies with the screening requirements set by TDSHS or submits an affidavit of exemption.

Screening Schedule

Routine Screening

All students enrolled in Heritage Academy 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.

Screening on Enrollment

Students four years of age and older, who are enrolled in Heritage Academy 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.

Outside Screening

Except for students enrolled in kindergarten or first grade, Heritage Academy 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 Heritage Academy by the dates for screening upon enrollment. Proof for all other students must be submitted by May 31.

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 Heritage Academy 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 Heritage Academy.

Exemption – Religions Beliefs

Heritage Academy 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 Heritage Academy, 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.

Records

Heritage Academy shall maintain the screening records required by statute and regulation.

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. Heritage Academy 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.

Reports

On or before June 30 of each year, Heritage Academy 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.

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.

School Responsibility

The Superintendent shall ensure that each student admitted to Heritage Academy complies with the risk assessment requirements or submits an affidavit of exemption.

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.

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.

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.

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.

Annual Report

Heritage Academy 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.

Spinal Screening

Each student required by rule of TDSHS to be screened shall undergo approved screening for abnormal spinal curvature.

School Responsibility

The Superintendent shall ensure that each student admitted to Heritage Academy complies with the screening requirements or submits an affidavit of exemption.

Screening Schedule

Routine Screening

Students in grades six and nine shall be screened for abnormal spinal curvature before the end of the school year. The screening requirement for students

entering grades six or nine may be met if the student has been screened for spinal deformities during the previous year. Heritage Academy may implement a program that includes screening in grades five and eight in lieu of grades six and nine.

Screening on Enrollment

New students enrolling in grades scheduled for screening (i.e., grades six and nine or five and eight), who have no record of having received their scheduled screening(s) shall be screened the year they enroll. Heritage Academy 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.

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.

Annual Report

Heritage Academy 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.

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.

Additional Policies

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

At least annually at the beginning of the school year, Heritage Academy 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 Heritage Academy in advance; and
3. Not necessary to protect the immediate health and safety of the student or of other students.

At a minimum, Heritage Academy 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)(1)(D), (2)-(4).