



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
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.

Bullying	<p>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</p> <p>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</p>	State
Cardio Pulmonary Resuscitation	<p>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</p>	State
Child Abuse Prevention and Reporting	<p>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</p> <p>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</p>	State and Federal Laws apply
Requirement for Policy related to sexual abuse of children	<p>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</p>	
Communicable Diseases	<p>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</p> <p>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</p>	State and Federal Laws apply
Consent for Treatment by Non-Parent or Child	<p>Texas Family Code, Title 2, Chapter 32, Section 32.001 www.statutes.legis.state.tx.us/Docs/FA/htm/FA.32.htm</p>	State
Consent for Treatment by a Minor for Certain Conditions (Mental Health Services, Pregnancy, Substance Abuse)	<p>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</p>	State
Coordinated School Health Program (K-8 th)	<p>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</p>	State
CSH as part of the Campus Improvement Plan	<p>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</p>	

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
Head Lice (Pediculosis)	<p>Health and Safety Code, Title 2, Subtitle B, Chapter 38, Section 38.001 www.statutes.legis.state.tx.us/Docs/HS/htm/HS.38.htm#38.001</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
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	<p>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</p>	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-Role of RN and LVN in Schools 15.13 www.bon.state.tx.us/practice/position.html#15.13 ▪ Board of Nursing Position Statement-Limitations for Expanding Scope of Practice 15.10 www.bon.state.tx.us/practice/position.html#15.10 ▪ Board of Nursing Position Statement on the Duty of a Nurse in Any Practice Setting 15.14 www.bon.state.tx.us/practice/position.html#15.14 ▪ Board of Nursing-Supervision of LVN www.bon.state.tx.us/nursinglaw/npa1.html#353 ▪ 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 		
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
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/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	
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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