

The Bird's eye view!

- Under the umbrella of safety, Texas legislators have mandated the teaching of “health and character traits”.
- The health umbrella covers:
 - Physical health
 - Nutrition
 - Mental health
 - Human sexuality
 - Child Abuse
 - Family violence
 - Dating Violence
 - Sex trafficking
- Character traits teach
 - Values
 - Beliefs
 - Behaviors
 - Attitudes

Who will decide what “health” education and values, beliefs, behaviors and attitudes your children will be taught? You, as parents, or your state administrators?

Parents, we need to take back the SHAC!

WHAT IS THE SHAC?

The SCHOOL HEALTH ADVISORY COUNCIL

- CREATED IN 1995
- Appointed by the Board of Trustees of each school district
- Assist the district in ensuring LOCAL COMMUNITY VALUES ARE REFLECTED IN HEALTH EDUCATION INSTRUCTION
- A school district MUST consider the recommendations of the local SHAC BEFORE adopting or changing the district's health education curriculum or instruction

WHAT IS THE MAKE-UP OF THE SHAC?

- At least 5 members appointed by the board of trustees of each school district
- The MAJORITY of the SHAC MUST be parents of students enrolled in the district and NOT district employees
- One PARENT MUST serve as chair or co-chair of the council
- There is no maximum number of members on the SHAC
- The Board of Trustees may appoint persons from various community groups including
 - Classroom teachers
 - Certified school counselors
 - Administrators
 - Students
 - Health care professionals
 - The business community
 - Law enforcement
 - The clergy
 - Nonprofit health organizations
 - Local domestic violence program
- The SHAC MUST meet AT LEAST 4 times in each school year.

WHAT DOES THE SHAC DO?

- Make policy recommendations to the District Board of Trustees regarding student health in district programming and curriculum:
 - The number of hours of health education instruction
 - Appropriate policies, procedures, strategies and curriculum to prevent physical and mental health concerns like:
 - Obesity
 - Type 2 Diabetes
 - Suicide
 - Integrating health curriculum in a school health program
 - Joint use agreements for collaboration between the school district and community organizations
 - Educating parents regarding risky student behaviors, early warning signs of suicide risks, behavioral health concerns including mental health disorders and substance use disorders
 - Make policy recommendations regarding recess
 - Establish a Physical Fitness and Fitness planning subcommittee
 - Submit annually a report of the SHAC activities to the District Board of Trustees
 - Ensure the following are published in the student handbook and posted on the district's website:
 - Policies and procedures adopted to promote physical and mental health of students
 - The physical and mental health resources available on campus
 - Contact information for the nearest essential public health services
 - Contact information for the nearest mental health authority
 - The policies adopted to ensure all students engage in the required physical activity
 - The dates of the meetings of the SHAC
 - The policies adopted to ensure all district campuses comply with vending machine and food services guidelines
 - Policies regarding disciplinary actions for students use of e-cigarettes and tobacco products while on campus or at school sponsored or school related activities
 - Parents can request in writing their child's physical fitness assessments results
 - A statement by campus of full time or part time school counselor
- THE SHAC IS RESPONSIBLE FOR MAKING RECOMMENDATIONS TO THE BOARD REGARDING APPROPRIATE GRADE LEVELS AND METHOD OF INSTRUCTION FOR HUMAN SEXUALITY and THE PREVENTION OF CHILD ABUSE, FAMILY VIOLENCE, DATING VIOLENCE AND SEX TRAFFICKING

TEXAS EDUCATION CODE 28.004 IS THE SHAC GUIDE

- Health instruction is required to be taught from K-8th grade
 - Health instruction is NOT required for high school graduation
 - SHAC meetings are open to the public
 - For each meeting the council SHALL:
 - at LEAST 72 HOURS BEFORE the meeting post notice of the date, time, place and subject of the meeting on a bulletin board in the central admin office of each campus in the district AND on the district's website
 - Prepare minutes of the meeting that include the subject and content of each deliberation and each vote, order, decision or other action taken
 - MAKE AN AUDIO OR VIDEO RECORDING OF THE MEETING
 - NOT LATER THAN THE 10TH DAY AFTER THE MEETING submit the minutes and audio/ video recording to the district to be posted on the district's web-site
 - "Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction
 - "Human sexuality instruction", "instruction in human sexuality" and "instruction relating to human sexuality" include instruction in reproductive health.
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SB 9 28.004 (q)

The Texas Legislature amended 28.004 in 2021 to require the Board of Trustees of your school district to determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence and sex trafficking.

The updated Health TEKS that take effect in the 22-23 school year include strands of instruction on these topics.

Any course materials relating to the prevention of child abuse, family violence, dating violence and sex trafficking SHALL be selected by the BOARD of TRUSTEES WITH THE ADVICE OF THE LOCAL SHAC

SB 123 87R Legislative session

CHARACTER EDUCATION

Updated Chapter 120 of The Texas Essential Knowledge and Skills: - Character Traits

" (c) Each school district MUST adopt a character education program that includes the positive character traits and personal skills (listed in SB 123).... A SCHOOL DISTRICT SHALL CONSULT WITH A COMMITTEE SELECTED BY THE DISTRICT THAT CONSISTS OF PARENTS, EDUCATORS AND OTHER MEMBERS OF THE COMMUNITY ". SHAC!

- Teaches VALUES, BEHAVIORS, BELIEFS AND ATTITUDES
- Opens the door to SOCIAL AND EMOTIONAL LEARNING CURRICULA
- Opens the door to CRT and LGBTQ+ agendas

HUMAN SEXUALITY INSTRUCTION

Do school districts in Texas have to teach Human Sexuality?

NOT EXACTLY this is a very gray area

- New Health TEKS adopted in 2020 and effective in the 22-23 school year include strands of human sexuality instruction starting in grade 4.
- Since many districts do not require health for graduation, some human sexuality strands were moved from high school to grades 7 and 8
- HOWEVER, THE LAW TRUMPS EDUCATION CODE SO...
 - 28.004 (e) states “Any course materials and instruction relating to human sexuality, STDs, HIV or AIDS shall be selected by the board of trustees WITH THE ADVICE OF THE LOCAL SHAC
 - 28.004 (h) states that the BOARD of Trustees shall determine the specific content of human sexuality instruction
 - AND THE MAYNARD AMENDMENT (Tom Maynard - SBOE district 10) contained in Grades 4- High School reminds districts and teachers that the LAW (28.004) takes priority over the TEA administrative code (TEKS) and the process for the adoption of human sexuality instruction and parental rights

See the “Know your Options” hand out!

CHILD ABUSE, FAMILY VIOLENCE, DATING VIOLENCE, SEX TRAFFICKING

Are school districts in Texas required to offer instruction relating to the prevention of child abuse family violence, dating violence and sex trafficking?

Again the answer is complicated!

28.004, as amended by SB 9, requires that the specific content of the district’s instruction and the appropriate grade levels and curriculum are to be determined by the Board of Trustees **after receiving advice and recommendation from the local SHAC (c) (8) and (q)**

But, the TEA has stated that the TEKS listed from K-8 that cover these subjects, must be taught.

BUT..... Parents have rights!

What is the process of adopting human sexuality instruction and instruction on the prevention of child abuse, family violence, dating violence and sex trafficking?

28.004 (e-1) (e-3) (q-1)-

- Because of the new health TEKS (Texas Essential Knowledge and Skills) adopted for the 22-23 school year, school districts are looking at new curricula to meet these new TEKS.
- The Board of Trustees MUST adopt a policy on the process of adoption of instructional materials for human sexuality and the prevention of child abuse, family violence, dating violence and sex trafficking. This policy MUST include:
 - A resolution convening the local SHAC for the purpose of making recommendations regarding curriculum materials
 - The local SHAC MUST hold TWO PUBLIC MEETINGS on the curriculum materials BEFORE adopting recommendations
 - The SHAC MUST provide the recommendations on the curriculum to the Board at a PUBLIC meeting of the board
 - The board AFTER receipt of the SHAC recommendations shall take a recorded vote at a PUBLIC meeting
 - Curriculum materials proposed to be adopted MUST be made available for parents
- BEFORE adopting curricula, the Board of trustees SHALL ensure:
 - The instructional materials are based on the advice of the local SHAC
 - Suitable for the subject and grade level for which the curriculum is intended
 - Reviewed by academic experts
- Any human sexuality instruction that is adopted MUST “present abstinence from sexual activity as the preferred choice of behavior in relationship to ALL sexual activity for unmarried persons of school age” 28.004 (e) (1- 5)
- IT IS THE **BOARD OF TRUSTEES’ RESPONSIBILITY** TO DETERMINE THE SPECIFIC CONTENT OF THE DISTRICT’S INSTRUCTION IN HUMAN SEXUALITY AND THE PREVENTION OF CHILD ABUSE, FAMILY VIOLENCE, DATING VIOLENCE AND SEX TRAFFICKING ONLY AFTER SHAC RECOMMENDATION 28.004 (h), (q-4)
- IT IS NOT THE RESPONSIBILITY OF THE DISTRICT ADMINISTRATION TO MAKE THAT DETERMINATION

WHAT ARE PARENTS RIGHTS?

- BEFORE EACH SCHOOL YEAR, the 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 instruction in human sexuality and the prevention of child abuse, family violence, dating violence and sex trafficking to district students (q-5) (i).
- **IF INSTRUCTION WILL BE PROVIDED THE NOTICE MUST INCLUDE:**
 - A statement of the requirements of state law
 - A detailed description of the district's instruction
 - A general schedule on which the instruction will be provided
 - Information on the parent's rights:
 - to review or purchase a copy of the instructional materials (j) - (j-2) (q-5)
 - To remove the student from any part of the district's instruction
 - The use of the grievance procedure concerning complaints of violations of Texas Education Code 28.004
 - A statement indicating that materials used in the public domain must be posted on the district's internet website
 - Information describing opportunities for parental involvement in the development of curriculum to be used, including information that ensures LOCAL COMMUNITY VALUES ARE REFLECTED IN THE DISTRICT'S HEALTH EDUCATION.

TEXAS IS NOW AN OPT-IN STATE HB 1525 (2021)



NOW WHAT?

How do I join the SHAC?

- Find your District Web-site
- Under departments, find “Health” or “Health Services”
- School Health Advisory Council is usually found under this heading
- Find the SHAC coordinator or liaison
- Email the coordinator AND YOUR SCHOOL BOARD MEMBERS and let them know you wish to serve
- Remember it is the Board’s responsibility to appoint SHAC members.
- The By-laws should describe how long the term of membership is.

TEXAS LAW vs TEXAS ADMINISTRATIVE CODE

Law always trumps Administrative Code if there is a conflict. In the situation with the updated Health TEKS, the Law (Texas Education Code 28.004) says local community values determine IF human sexuality is taught and IF contraception is taught. If a District determines these should be taught based on local community values, then and only then do the TEKS apply.

TEXAS LAW

Texas Education Code 28.004 is the **law** directing the establishment of each District's School Health Advisory Council (SHAC) and the SHAC's role in health education. It has been modified several times over the years with two changes taking place this last legislative session – House Bill 1525 (HB1525) and Senate Bill 9 (SB9) both taking effect late 2021. <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.28.htm#28.004>

- 28.004 (a) gives SHAC's their authority – "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."
- 28.004 has two IF's related to a district's decisions regarding instruction of human sexuality education that are often overlooked – they are VERY important!
 - 28.004 (i) is the BIG IF – "if" human sexuality instruction will be taught in the district.
 - 28.004 (e)(5) is the SMALL IF – "if" instruction on contraception and condoms is included in human sexuality curriculum content.
- 28.004 also contains a third IF related to the requirement that a parent opt in. TEC 28.004 (i-2) "Before a student may be provided with human sexuality instruction, a school district must obtain the written consent of the student's parent." 28.004 also protects students whose parents do not consent from penalty; 28.004(i)(3)(B) states that a parent has a right to "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;"

TEXAS ADMINISTRATIVE CODE

Texas Administrative Code Title 19 Chapter 74 (Teacher Requirements to teach the TEKS) <https://tea.texas.gov/sites/default/files/ch074a.pdf>

- 74.1 (b) is where districts get their authority to teach all TEKS (TEKS are the floor, not the ceiling).
- 74.1 (b) states "A school district must provide instruction in the essential knowledge and skills of the appropriate grade levels in the foundation and enrichment curriculum as specified in paragraphs (1)-(12) of this subsection. A school district may add elements at its discretion but must not delete or omit instruction in the foundation and enrichment curriculum specified in subsection (a) of this section. "
- Some people have INCORRECTLY interpreted this to mean that the new health TEKS (effective fall 2022) which include TEKS regarding Human Sexuality and Contraception now require that Human Sexuality including Contraception are required to be taught but remember that Law always trumps Administrative Code if there is a conflict.

Changes to Texas Administrative Code Title 19 Chapter 115 effective FALL 2022 <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/adopted-state-board-of-education-rules-not-yet-effective> and https://tea.texas.gov/sites/default/files/HealthTEKS-Ch115_adopted-11-2020.pdf

- This is where the new TEKS requirements are spelled out by Grade.
- Notice the Maynard Amendment (details below) contained in Grades 4 – High School (1st mentioned on page 17 in red) reminds teachers and administrators that the law still gives the option to the districts as to IF they teach Human Sexuality and IF they teach Contraception.

The Maynard Amendment (Tom Maynard – State Board of Education District 10).

- 19 Texas Administrative Code §115.16. Health Education, Grade 4 and above, Adopted 2020, Effective Fall 2022
- This amendment reminds districts and teachers about the Law taking priority over the Administrative Code (TEKS), as mentioned above:

The Maynard Amendment:

"(4) An integral part of health education involves educators being aware of state laws relevant to human sexuality instruction. These laws include affirming:

- (A) a local school district's control over the provision of human sexuality instruction to ensure that local community values are reflected in that instruction (Texas Education Code (TEC), §28.004(e)-(h));
- (B) the right of a parent or legal guardian to be informed of the provision of human sexuality instruction to their child and review the content of that instruction (TEC, §28.004(i)-(j));
- (C) the right of a parent or legal guardian to remove their child from any portion of human sexuality instruction without penalty to the child (TEC, §28.004(i));
- (D) the centrality of abstinence education in any human sexuality curriculum (TEC, §28.004(e)); and
- (E) the right of a parent or legal guardian to be informed of and consent to an abortion performed on their pregnant child (with judicially authorized or medical emergency exceptions) (Texas Family Code, Ch. 33).

(5) Educators also should be aware of and abide by the statutory prohibition on taxpayer resource transactions between state governmental entities, including public schools, and abortion providers or an affiliate of an abortion provider (Texas Government Code, Chapter 2272)."

TEA GUIDANCE - Local assessment/testing & human sexuality instruction under TEC, Section 28.004

"the most reasonable interpretation of these provisions is that the legislation creates an exception for purposes of human sexuality instruction that would prohibit a district from requiring the student to take a local assessment to demonstrate proficiency of content related to human sexuality that the parent did not want and did not opt for the parent's child to receive." https://tea.texas.gov/sites/default/files/local-assessment-testing-human-sexuality-instruction-tec-28.004.pdf?fbclid=IwAR0F4bWYQeIB7jpWfSHJCacGQsCgHGjoHZ4rguCJxZT0LGp2rxwC_ybfgDE

Questions for your SHAC

1. How many non-employee parents are on the SHAC? The SHAC **MUST** be made up of **MAJORITY** of non-employee parents.
2. Does a non-employee parent serve as chair or co-chair of the SHAC?
3. Does your school district require health education for high school graduation?
4. Is your SHAC following all the guidelines for posting notices of the meetings, making sure that meetings are open to the public, following the guidelines for posting the minutes and audio recordings of the meetings?
5. Does your district teach human sexuality? Has the process laid out in 28.004 for the adoption of human sexuality instruction been followed by the board and the SHAC with 2 open meeting for parents to review the curricula?
6. Has your school district followed the requirements under section (k) and published all the information in the school handbook?
7. Has your SHAC established a "Physical activity and fitness planning subcommittee" as noted in section (l-1)?
8. Has your district followed the requirements under section (q) for course materials related to child abuse, family violence, dating violence and sex trafficking?
9. How have your district and SHAC determined the community values?
10. How are your district and SHAC recruiting and training parents?
11. Does your SHAC have updated By-Laws that reflect the changes made to 28.004?
12. What curricula are your district using to meet the new Health TEKS? What curricula are your district using to teach character education and Social Emotional Learning?
13. Does your district know that Texas is now an OPT-IN state for teaching human sexuality, child abuse, family violence, dating violence and sex trafficking instruction?

SHAC Compliance – Human Sexuality Instruction

School District: _____

Updated: _____

According to Texas Education Code, health is classified as enrichment curriculum rather than foundation curriculum¹ and human sexuality instruction is optional². Is your Texas School District complying with Texas Education Code 28.004²? TEC §28.004² requires the district School Health Advisory Council (SHAC) to “assist the district in ensuring that local community values are reflected in the district’s health education instruction,” including recommending “appropriate grade levels and methods of instruction for human sexuality instruction,” if human sexuality instruction will be taught in the district. Here is a quick tool to make sure that your district is in compliance with the law.

High Level Summary of Required Steps:		Date(s):	Notes:
<input type="checkbox"/>	Board of Trustees has established a SHAC with at least five members, with the majority being parents not employed by the school district. <i>TEC §28.004(d)</i> ²		
<input type="checkbox"/>	SHAC has met at least four times each year, posted all meeting notices at least 72 hours prior to each meeting, and posted minutes and audio/video recordings of each meeting as soon as practical after the meeting. <i>TEC §28.004(d-1) and (d-2)</i> ²		
<input type="checkbox"/>	Board has adopted policy establishing a process to adopt human sexuality instruction (prior to the resolution below). <i>TEC §28.004(e-1)</i> ^{2,4}		
<input type="checkbox"/>	Board has adopted a resolution convening the SHAC to make recommendations for human sexuality instruction. <i>TEC §28.004(e-1)(1)</i> ^{2,4}		
<input type="checkbox"/>	Board has decided, based on the recommendation of the SHAC, how many hours of health instruction will be offered K-8 th , and whether high school health is required for graduation. <i>TEC §28.004(c)(1)</i> ^{2,4}		
<input type="checkbox"/>	Board has decided the following regarding human sexuality instruction based on the recommendation of the SHAC. <i>TEC §28.004(e-3)(1)</i> ^{2,4}		
<input type="checkbox"/>	WHETHER human sexuality instruction will be taught, and in which grades. <i>TEC §28.004(i)</i> ^{2,4} and <i>TEC §28.004(c)(3)</i> ² [See Table #1 below]		
<input type="checkbox"/>	WHETHER contraception will be taught, and in which grades. <i>TEC §28.004(e)(5)</i> ² and <i>TEC §28.004(e-3)(2)</i> ² [See Table #1 below]		
<input type="checkbox"/>	Board has confirmed for all grades being taught that the methods of instruction are in compliance with the <i>TEC</i> , <i>TAC</i> , and <i>TGC</i> . <i>TEC §28.004(h)</i> ² [See Table #2 below]		
<input type="checkbox"/>	If to be taught, parents have been given proper notification:		
<input type="checkbox"/>	Before each school year, parents have been provided 1) notice of intent to instruct, 2) detailed description of adopted curriculum content, 3) statement of parents’ rights, 4) access to the adopted curriculum. <i>TEC §28.004(i) and (j)</i> ²		
<input type="checkbox"/>	For each student to be instructed, written parental consent has been obtained prior to beginning of instruction (opt in) <i>TEC §28.004(i-2)</i> ²		

TABLE #1: SHAC recommendations and Board Decisions	SHAC Public Meetings #1 Date & #2 Date TEC §28.004 (e-1)(2)(A)	SHAC Recommendations TEC §28.004 (e-1)(2)(B)			Parent Access	Board Decisions TEC §28.004 (e-1)(3)		
		SHAC recommends to teach this grade TEC §28.004 (c)(3)	If yes, complete these two columns; if no, skip		Proposed curriculum is available to district parents TEC §28.004 (e-2)	Board decision to teach this grade TEC §28.004 (e-3)(2)	If yes, complete these two columns; if no, skip	
			Teach contra- ception? TEC §28.004 (e)(5)	List recommende d curriculum after confirming compliance (see Table #2)			Teach contra- ception? TEC §28.004 (e)(5)	List approved curriculum after confirming compliance (see Table #2)
Has district completed required steps in <i>TEC §28.004</i> ² to incorporate SHAC recommendations regarding human sexuality methods of instruction?								
Grade 4 <i>TAC §115.16.b.20</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	
Grade 5 <i>TAC §115.17.b.20-22</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	
Grade 6 <i>TAC §115.26.b.20-23</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	
Grade 7-8 <i>TAC §115.27.b.20-23</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	
Health I <i>TAC §115.38.c.18-21</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	
Health II <i>TAC §115.39.c.19-22</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	
Health in the RW <i>TAC §115.40.c.6.B</i> ³		Yes or No	Yes or No		Yes or No	Yes or No	Yes or No	

TABLE #2: Confirm Curriculum Compliance If teaching, are methods of instruction in compliance with <i>TEC 28.004</i> ² , <i>TAC §115</i> ³ , and <i>TGC §2273</i> ³ ?	Recommended Curriculum Comply with <i>TEC §28.004(e)</i> ² Centrality of Abstinence					Recommended Curriculum cover 100% of TEKS ⁶ <small>*contraception TEKS not required if not taught</small>	Recommended Curriculum does not violate <i>TGC §2273</i> ⁵
	(1)	(2)	(3)	(4)	(5) *contraception optional		
Grade 4 <i>TAC §115.16.b.20</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grade 5 <i>TAC §115.17.b.20-22</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grade 6 <i>TAC §115.26.b.20-23</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grade 7-8 <i>TAC §115.27.b.20-23</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health I <i>TAC §115.38.c.18-21</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health II <i>TAC §115.39.c.19-22</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health in the RW <i>TAC §115.40.c.6.B</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.28.htm#28.002>

² <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.28.htm#28.004>

³ https://tea.texas.gov/sites/default/files/HealthTEKS-Ch115_adopted-11-2020.pdf

⁴ <https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/faq-on-shac-and-adoption-inst-materials.pdf>

⁵ <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2273.htm>

⁶ [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=66&rl=105](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=66&rl=105)

SHAC Compliance – Child Abuse, Family Violence, Dating Violence, Sex Trafficking

School District: _____

Updated: _____

According to Texas Education Code, health is classified as enrichment curriculum rather than foundation curriculum¹ and instruction regarding child abuse, family violence, dating violence, and sex trafficking instruction is optional². Is your Texas School District complying with Texas Education Code 28.004³? TEC §28.004³ requires the district School Health Advisory Council (SHAC) to “assist the district in ensuring that local community values are reflected in the district’s health education instruction,” including recommending “appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking,” if this instruction will be taught in the district. Here is a quick tool to make sure that your district is in compliance with the law.

High Level Summary of Required Steps:		Date(s):	Notes:
<input type="checkbox"/>	Board of Trustees has established a SHAC with at least five members, with the majority being parents not employed by the school district. <i>TEC §28.004(d)</i> ²		
<input type="checkbox"/>	SHAC has met at least four times each year, posted all meeting notices at least 72 hours prior to each meeting, and posted minutes and audio/video recordings of each meeting as soon as practical after the meeting. <i>TEC §28.004(d-1) and (d-2)</i> ²		
<input type="checkbox"/>	Board has adopted policy establishing a process to adopt curriculum materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking (prior to the resolution below). <i>TEC §28.004(q-1)</i> ^{2,4}		
<input type="checkbox"/>	Board has adopted a resolution convening the SHAC to make recommendations regarding said curriculum. <i>TEC §28.004(q-1)(1)</i> ^{2,4}		
<input type="checkbox"/>	Board has decided, based on the recommendation of the SHAC, how many hours of health instruction will be offered K-8 th , and whether high school health is required for graduation. <i>TEC §28.004(c)(1)</i> ^{2,4}		
<input type="checkbox"/>	Board has decided WHETHER instruction related to prevention of child abuse, family violence, dating violence, and sex trafficking will be taught, and in which grades. <i>TEC §28.004(q-5)</i> ^{2,4} and <i>TEC §28.004(q-3)(2)</i> ² [See Table #1 below]		
<input type="checkbox"/>	Board has confirmed for all grades being taught that the methods of instruction are in compliance with the <i>TEC</i> , <i>TAC</i> , and <i>TGC</i> . <i>TEC §28.004(q-4)</i> [See Table #2 below]		
<input type="checkbox"/>	If to be taught, parents have been given proper notification:		
<input type="checkbox"/>	Before each school year, parents have been provided 1) notice of intent to instruct, 2) detailed description of adopted curriculum content, 3) statement of parents’ rights, 4) access to the adopted curriculum. <i>TEC §28.004 (q-5) and (j)</i> ²		
<input type="checkbox"/>	For each student to be instructed, written parental consent has been obtained prior to beginning of instruction (opt in). <i>TEC §28.004(q-6)</i> ²		

TABLE #1: SHAC recommendations and Board Decisions	SHAC Public Meetings #1 Date & #2 Date <i>TEC §28.004 (q-1)(2)(A)</i>	SHAC Recommendations <i>TEC §28.004 (q-1)(2)(B)</i>		Parent Access	Board Decisions <i>TEC §28.004 (q-1)(3)</i>	
		SHAC recommends to teach this grade <i>TEC §28.004 (q)</i>	If yes, complete this column; if no skip List recommended curriculum after confirming compliance (see Table #2)		Board decision to teach this grade <i>TEC §28.004 (q-3)(2)</i>	If yes, complete this column; if no, skip List approved curriculum after confirming compliance (see Table #2)
Has district completed required steps in <i>TEC §28.004</i> ² to incorporate SHAC recommendations regarding instruction for prevention of child abuse, family violence, dating violence, and sex trafficking?				Proposed curriculum is available to district parents <i>TEC §28.004 (q-2)</i>		
Grade 5 <i>TAC §115.17.b.14, 21</i> ³		Yes or No		Yes or No	Yes or No	
Grade 6 <i>TAC §115.25.b.13, 14, 21</i> ³		Yes or No		Yes or No	Yes or No	
Grade 7-8 <i>TAC §115.27.b.13, 14, 21</i> ³		Yes or No		Yes or No	Yes or No	
Health I <i>TAC §115.38.c.10, 11, 12, 19</i> ³		Yes or No		Yes or No	Yes or No	
Health II <i>TAC §115.39.c.12, 13, 20, 22</i> ³		Yes or No		Yes or No	Yes or No	

TABLE #2: Confirm Curriculum Compliance If teaching, are methods of instruction in compliance with <i>TEC 28.004</i> ² & <i>TAC §115</i> ³ and <i>TGC §2273</i> ⁵ ?	Recommended Curriculum Comply with <i>TEC §28.004(e)</i> ² Centrality of Abstinence					Recommended Curriculum cover 100% of TEKS ⁶	Recommended Curriculum does not violate <i>TGC §2273</i> ⁵
	(1)	(2)	(3)	(4)	(5)		
Grade 5 <i>TAC §115.17.b.14, 21</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grade 6 <i>TAC §115.25.b.13.D, 14, 21</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grade 7-8 <i>TAC §115.27.b.13.D, 14, 21</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health I <i>TAC §115.38.c.10, 11, 12, 19</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health II <i>TAC §115.39.c.12, 13, 20, 22</i> ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.28.htm#28.002>

² <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.28.htm#28.004>

³ https://tea.texas.gov/sites/default/files/HealthTEKS-Ch115_adopted-11-2020.pdf

⁴ <https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/faq-on-shac-and-adoption-inst-materials.pdf>

⁵ <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2273.htm>

⁶ [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&tac=&ti=19&pt=2&ch=66&rl=105](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&tac=&ti=19&pt=2&ch=66&rl=105)