

INSTRUCTION
Physical Education

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BP 6142.7

The Governing Board recognizes the positive benefits of physical activity for student health, well-being, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 – Student Wellness)
(cf. 6142.8 – Comprehensive Health Education)

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1 – 12 regardless of gender, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

(cf. 0410 – Nondiscrimination in District Programs and Activities)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 – Academic Standards)
(cf. 6143 - Courses of Study)

The district's physical education program shall engage students in age-appropriate moderate to vigorous physical activity, as defined in the accompanying administrative regulation, including aerobic, muscle-strengthening, and bone-strengthening activities. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and

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after the school day.

(cf. 1330.1 – Joint Use Agreements)
(cf. 5142.2 – Safe Routes to School Program)
(cf. 5148 – Child Care and Development Program)
(cf. 5148.2 – Before/After School Programs)
(cf. 6145 – Extracurricular and Cocurricular Activities)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 – Individualized Education Program)
(cf. 6164.6 – Identification and Education Under Section 504)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 – Environmental Safety)
(cf. 5141.7 – Sun Safety)
(cf. 5141.23 – Asthma Management)
(cf. 6145.2 – Athletic Competition)

Staffing

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 – Volunteer Assistance)
(cf. 4112.2 – Certification)
(cf. 4112.21 – Interns)
(cf. 4113 – Assignment)
(cf. 4222 – Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 – Staff Development)
(cf. 5121 – Grades/Evaluation of Student Achievement)

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Physical Fitness Testing

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

The Superintendent or designee may grant a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet the student's needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10 – 12 provided that the student has satisfactorily met any five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10 – 12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10 – 12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 – School Day)

Permanent Exemptions

The Superintendent or designee may grant a student a permanent exemption from physical

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education under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than the student would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

The Superintendent or designee may grant an exemption from physical education under the following special circumstances:

1. When the student in grades 10 – 12 is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10 – 12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 – Regional Occupational Center/Program)

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 – Athletic Competition)

Program Evaluation

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. The Superintendent or designee shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education

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Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity and student well-being.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

LEGAL REFERENCE:

EDUCATION CODE

220 Prohibition of discrimination

221.5 Sex equity in education

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1 – 6

51220 Course of study, grades 7 – 12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes; regional occupational center/program

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040 – 1044 Physical performance test

1047-1048 Testing variations and accommodations

3051.5 Adapted physical education for individuals with exceptional needs

4600 – 4670 Uniform complaint procedures

4900 – 4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

80037 Designated subjects teaching credential; special teaching authorization in physical education

80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

CODE OF FEDERAL REGULATIONS, TITLE 34

106.33 Nondiscrimination on the basis of sex; comparable facilities

106.34 Nondiscrimination on the basis of sex; access to classes and schools

300.108 Assistance to states for the education of children with disabilities; physical education

ATTORNEY GENERAL OPINIONS

53 Ops. Cal.Atty.Gen. 230 (1970)

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COURT DECISIONS

Doe v. Albany Unified School District (2010) 190 Cal.App.4th 668
Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975
Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959)

Management Resources:

CSBA PUBLICATIONS

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012
Student Wellness: A Health Food and Physical Activity Policy Resource Guide, 2012
Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009
Physical Education and California Schools, Policy Brief, October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009
Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): Self-Assessment and Planning Guide, Elementary School, 2017
School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2018

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008 Physical Activity Guidelines for Americans, October 2008

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
Healthy People 2010: <http://www.healthypeople.gov>
National Association for Sports and Physical Education: <https://www.pgpedia.com/n/national-association-sport-and-physical-education>
President's Council on Sports, Fitness and Nutrition: <http://www.fitness.gov>
U.S. Department of Health and Human Services: <http://www.health.gov>

Definitions

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity that assists in developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222)

1. For students in grades 1 – 6, 200 minutes each 10 school days, exclusive of recess and the lunch period
2. For students in grades 7 – 8 attending a middle school or junior high school, 400 minutes each 10 school days
3. For students in grades 9 – 12, 400 minutes each 10 school days

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited

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to, a master schedule, bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Any complaint alleging noncompliance with the instructional minute requirement may be filed in accordance with the district's procedures in AR 1312.3 – Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, 51222, 51223; 5 CCR 4600-4687)

Monitoring Moderate to Vigorous Physical Activity

To monitor the amount of time students are engaged in moderate to vigorous physical activity, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity and the amount of time students are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

(cf. 6162.5 – Student Assessment)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

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On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and CDE for all matters related to the physical fitness test. The duties shall be those specified in 5 CCR 1043.4, including, but not limited to: (5 CCR 1043.4)

1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions
2. Determining district and school site test and test material needs
3. Overseeing the administration of the physical fitness test to students
4. Overseeing the collection and return of all test data to the contractor
5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements
6. Ensuring that all test data are sent to the test contractor by June 30 of each year

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in the student's cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

(cf. 5125 – Student Records)

Each student's test results shall also be provided to the student's parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510- School Accountability Report Card)

Testing Variations

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

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1. Audio amplification equipment
2. Separate testing for individual students provided that the student(s) are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 – Individualized Education Program)
(cf. 6164.6 – Identification and Education Under Section 504)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that the student(s) are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess, lunch, and before- and after-school supervisors on methods to engage students in moderate to vigorous physical activity

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(cf. 1240 – Volunteer Assistance)
(cf. 4231 – Staff Development)
(cf. 5030 – Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, community service, special events, and competitions

(cf. 6142.4 – Service Learning/Community Service Classes)
(cf. 6145 – Extracurricular and Cocurricular Activities)
(cf. 6145.5 – Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

(cf. 5148 – Child Care and Development)
(cf. 5148.2 – Before/After School Programs)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 – Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

(cf. 1700 – Relations Between Private Industry and the Schools)

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

(cf. 5142.2 – Safe Routes to School Program)

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The Governing Board believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy, productive lives and avoid high-risk behaviors. The district's health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to district and community services and resources.

(cf. 1020 – Youth Services)
(cf. 3513.3 – Tobacco-Free Schools)
(cf. 3514 – Environmental Safety)
(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 3554 – Other Food Sales)
(cf. 5131.6 – Alcohol and Other Drugs)
(cf. 5131.63 – Steroids)
(cf. 5141.22 – Infectious Diseases)
(cf. 5141.32 – Health Screening for School Entry)
(cf. 5141.4 – Child Abuse Prevention and Reporting)
(cf. 5141.6 – School Health Services)
(cf. 5142 – Safety)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 6164.2 – Guidance/Counseling Services)

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

(cf. 0200 – Goals for the School District)
(cf. 5030 – Student Wellness)
(cf. 6142.7 – Physical Education)

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed in accordance with law, Board policy, and administrative regulation.

(cf. 6011 – Academic Standards)
(cf. 6141 – Curriculum Development and Evaluation)
(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6143 – Courses of Study)

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

(cf. 1220 – Citizen Advisory Committees)
(cf. 1240 – Volunteer Assistance)
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 – Relations Between Private Industry and the Schools)
(cf. 6020 – Parent Involvement)

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The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

(cf. 4131 – Staff Development)

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district’s health education program which may include, but not be limited to, a description of the district’s program and the extent to which it is aligned with the state’s content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, and student achievement of district standards for health education.

(cf. 0500 – Accountability)

(cf. 6190 – Evaluation of the Instructional Program)

LEGAL REFERENCE:

EDUCATION CODE

8850.5 Family relationships and parenting education
35183. Sun protection
49413 First aid training
49430-49436 Pupil Nutrition, Health and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and dangerous drugs
51210 Areas of study
51210.8 State content standards for health education
51220.5 Parenting skills; areas of instruction
51260-51269 Drug education
51513 Personal beliefs
51880-51881.5 Health education, legislative findings and intent
51890-51891 Comprehensive health education programs
51913 District health education plan
51920 Inservice training, health education
51930-51939 Comprehensive sexual health and HIV/AIDS prevention education

CALIFORNIA CODE OF REGULATIONS, TITLE 5

11800-11801 District health education plan

CSBA PUBLICATIONS

Asthma Management in the Schools, Policy Brief, March 2008
Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007
Physical Education and California Schools, Policy Brief, Rev. October 2007
Promoting Oral Health for California’s Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007
Sun Safety in Schools, Policy Brief, July 2007
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, Rev. April 2006

AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS

National Health Education Standards: Achieving Excellence, 2007

CDE PUBLICATIONS

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Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008
Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

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Content of Instruction

The District's health education program shall include instruction at the appropriate grade levels in the following content areas:

1. Alcohol, tobacco, and other drugs

(cf. 3513.3 – Tobacco-Free Schools)
(cf. 5131.6 – Alcohol and Other Drugs)
(cf. 5131.63 – Steroids)

2. Human growth, development, and sexual health

(cf. 6142.1 – Family Life and Sex Education)
(cf. 6142.2 – AIDS Prevention Instruction)

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, prevention of brain and spinal cord injuries, violence prevention, topics related to bullying and harassment, and Internet safety.

(cf. 0450 – Comprehensive Safety Plan)
(cf. 3543 – Transportation Safety and Emergencies)
(cf. 5131 – Conduct)
(cf. 5142 – Safety)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)
(cf. 5145.9 – Hate-Motivated Behavior)
(cf. 6163.4 – Student Use of Technology)

4. Mental, emotional, and social health

(cf. 5137 – Positive School Climate)
(cf. 5141.52 – Mental Health and Suicide Prevention)
(cf. 5149 – At Risk Students)

5. Nutrition and physical activity

(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 5030 – Student Wellness)
(cf. 6142.7 – Physical Education)

6. Personal and community health

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Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases such as asthma and diabetes, emergency procedures, and the effect of behavior on the environment.

(cf. 5141 – Health Care and Emergencies)
(cf. 5141.21 – Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 – Infectious Diseases)
(cf. 5141.23 – Asthma Management)
(cf. 5141.7 – Sun Safety)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.5 – Environmental Education)

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services
4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting
5. The ability to practice behaviors that reduce risk and promote health
6. The ability to promote and support personal, family, and community health

Exemption from Health Instruction

Upon written request from a parent/guardian, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs, including personal moral convictions. (Education Code 51240)

(cf. 5020 – Parent Rights and Responsibilities)
(cf. 5022 – Student and Family Privacy Rights)
(cf. 6141.2 – Recognition of Religious Beliefs and Customs)
(cf. 6145.8 – Assemblies and Special Events)

Students so excused shall be given an alternative educational activity.

Involvement of Health Professionals

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about

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a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs

(cf. 1325 – Advertising and Promotion)

The Governing Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. The Superintendent or designee shall coordinate and align district efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation of the importance of a healthy lifestyle.

(cf. 1020 – Youth Services)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 – School Health Services)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

School Health Council/Committee

The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1100 – Communication with the Public)
(cf. 1112 – Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 6020 - Parent Involvement)

School Wellness Council

The Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the district's student wellness policy. (42 USC 1758b; 7 CFR 210.30)

To fulfill this requirement, the Superintendent or designee may appoint a school wellness council or other district committee and a wellness council coordinator. The council may include representatives of the groups listed above, as well as health educators, curriculum directors, counselors, before- and after-school program staff, health practitioners, and/or others interested in school health issues.

(cf. 1220 – Citizen Advisory Committees)
(cf. 9140 – Board Representatives)

The wellness council shall advise the district on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the duties of the council may also include the planning, implementation, and evaluation of activities to promote health within the school or community.

Goals for Nutrition, Physical Activity, and Other Wellness Activities

Nutrition education constitutes an important component of student wellness. The Board shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities to help students make healthy nutritional choices, and gain knowledge, skills, and opportunities to make appropriate choices. In developing such goals, the Board shall review and consider evidence-based strategies and techniques. Nutrition education may include learning experiences designed to facilitate the voluntary adoption of food and drink choices and other nutrition-related behaviors conducive to health and well-being. (42 USC 1758b; 7 CFR 210.30)

The primary goal of the nutrition education component is to influence students' food and drink selections. Additionally, nutrition education will reinforce lifelong balance by emphasizing the link between caloric intake and exercise in ways that are appropriate.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)

The district's nutrition education and physical education programs shall be based on research, shall be consistent with the expectations established in the state's curriculum frameworks and content standards, designed to build the skills and knowledge that all students need to improve and maintain a healthy lifestyle, and promote fruits, vegetables, whole grain products, low fat and fat free dairy products, and healthy food preparation methods.

The primary goal of the physical activity component of the District's Student Wellness policy is to provide opportunities for every student to develop the knowledge and skills specific for physical activity. Additionally, the Physical Activity component will help maintain physical

fitness and ensure that all students regularly participate in physical activity. A comprehensive Physical Activity program includes physical education, recess, and before and after school programs.

(cf. 6011 – Academic Standards)
(cr. 6142.7 – Physical Education and Activity)
(cf. 6142.8 – Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

To reinforce the district’s nutrition education program, the Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, free giveaways, or other means. School organizations are encouraged to use non-food items for fundraising purposes as specified in AR 1321. Fundraisers involving the sale of food items should be nutritional and shall be prepared in accordance with safe food handling practices.

(cf. 1321 – Solicitation of Funds From and By Students)
(cf. 1325 - Advertising and Promotion)

All students shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education and recess and may also be provided through school athletic programs, extracurricular programs, before- and after-school programs, summer learning programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

(cf. 5142.2 – Safe Routes to School Program)
(cf. 6142.7 – Physical Education)
(cf. 6145 – Extracurricular and Cocurricular Activities)
(cf. 6145.2 – Athletic Competition)

The Board may enter into a joint use agreement or memorandum of understanding to make district facilities or grounds available for recreational or sports activities outside the school day and/or to use community facilities to expand students’ access to opportunity for physical activity.

(cf. 1330.1 – Joint Use Agreements)

Professional development shall be regularly offered to the nutrition program director, managers, and staff, as well as health education teachers, physical education teachers, coaches, activity supervisors, and other staff as appropriate to enhance their knowledge and skills related to student health and wellness.

(cf. 4131, 4231, 4331 - Staff Development)

The Superintendent or designee may disseminate health information and/or the district's student wellness policy to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1100 – Communication with the Public)
(cf. 1112 – Media Relations)
(cf. 1113 – District and School Web Sites)
(cf. 1114 – District-Sponsored Social Media)
(cf. 6020 – Parent Involvement)

In order to ensure that students have access to comprehensive health services, the district may provide access to health services at or near district schools and/or may provide referrals to community resources.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

(cf. 5131.2 – Bullying)
(cf. 5145.3 – Nondiscrimination/Harassment)

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote work-site wellness and may provide opportunities for regular physical activity among employees.

Nutritional Guidelines for Foods Available at School

For all foods and beverages available on each campus during the school day, the district shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773 and 1779 and federal regulations and which support the objectives of promoting the overall health and well-being of students. (42 USC 1758b)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent

possible. When approved by the California Department of Education, the district may sponsor a summer meal program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 – Summer Meal Program)
(cf. 3553 – Free and Reduced Price Meals)
(cf. 5141.27 – Food Allergies/Special Dietary Needs)
(cf. 5148 – Child Care and Development)
(cf. 5148.3 – Preschool/Early Childhood Education)

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758, and shall encourage students' consumption of water by educating them about the health benefits of water and serving water in an appealing manner.

The Board believes that all foods and beverages sold to students at district schools, including those available outside the district's food services program, should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for foods and beverages provided through student stores, vending machines, or other venues shall meet or exceed state and federal nutrition standards.

(cf. 3312- Contracts)
(cf. 3554 – Other Food Sales)

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes.

The Board and District wishes to encourage and foster healthy eating habits at all times, recognizing its control is limited to the school day. Foods with little or no nutritional value are inconsistent with nutrition policies for foods sold on campus.

Meals and snacks at all schools will:

- Contain no more than 30 percent of total calories from fat
- Offer fresh fruits and vegetables daily in each meal
- Include only one percent or nonfat milk options
- Offer whole grains and introduce new whole grain products as they become available
- Be served in clean, safe, and pleasant environments

Students will be provided an appropriate amount of time for lunch and breakfast. Foods shall not be used as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

The number of children and adults suffering from food allergies or requiring a special diet to

manage health concerns is ever increasing. To protect the health and safety of all students, food provided for students shall be pre-approved by the classroom teacher, must be store bought, and include an ingredients label. Students are not permitted to share their food with others students.

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. Class parties or celebrations shall be on a limited to basis and at the discretion of the teacher to be held after the lunch period when possible. The nutritional quality, including calorie count, shall be considered when selecting snacks for the occasional class celebration.

(cf. 5141.27 – Food Allergies/Special Dietary Needs)

To reinforce the district's nutrition education program, the Board prohibits the marketing and advertising of foods and beverages that do not meet nutrition standards for the sale of foods and beverages on campus during the school day. (7CFR 210.30)

(cf. 1325 – Advertising and Promotion)

Program Implementation and Evaluation

The Superintendent designates the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the district's policy. (42 USC 1758b; 7 CFR 210.30)

Food Services Director
805-434-5843

(cf. 0500 – Accountability)
(cf. 3555 – Nutrition Program Compliance)

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

The assessment shall include the extent to which district schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on district and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

The Board and the Superintendent or designee shall establish indicators that will be used to measure the implementation and effectiveness of the district activities related to student wellness. Such indicators may include, but are not limited to:

1. Descriptions of the district's nutrition education, physical education, and health education curricula by grade level and the extent to which they align with state academic content standards and legal requirements
2. An analysis of the nutritional content of school meals and snacks served in all district programs, based on a sample of menus and production records
3. Student participation rates in all school meal and/or snack programs, including the number of students enrolled in the free and reduced-price meals program compared to the number of students eligible for that program
4. Extent to which foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
5. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards
6. Results of the state's physical fitness test at applicable grade levels
7. Number of minutes of physical education offered at each grade span, and the estimated percentage of class time spent in moderate to vigorous physical activity
8. A description of district efforts to provide additional opportunities for physical activity outside of the physical education program
9. A description of other districtwide or school-based wellness activities offered, including the number of sites and/or students participating, as appropriate

As feasible, the assessment report may include a comparison of results across multiple years, a comparison of district data with county, statewide, or national data, and/or a comparison of wellness data with other student outcomes such as academic indicators or student discipline rates.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the district's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the district and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus district resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The Superintendent or designee shall inform the public about the content and implementation of the district's wellness policy and assessment and shall make the policy, and any updates to the policy, available to the public on an annual basis. He/she shall also inform the public of the district's progress towards meeting the goals of the wellness policy, including the availability of the triennial district assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

(cf. 5145.6 – Parental Notifications)

The Superintendent or designee shall distribute this information through the most effective methods of communication, including district or school newsletters, handouts, parent/guardian meetings, district and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

(cf. 1100 – Communication with the Public)
(cf. 1112 – Media Relations)
(cf. 1113 – District and School Web Sites)
(cf. 1114 – District-Sponsored Social Media)
(cf. 6020 – Parent Involvement)

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

Legal Reference:

EDUCATION CODE
33350-33354 CDE responsibilities re: physical education
38086 Free fresh drinking water
49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49562 Meals for needy students
49565-49565.8 California Fresh Start pilot program

STUDENTS
Student Wellness

T.U.S.D.
BP 5030

49570 National School Lunch Act
51210 Course of study, grades 1-6
51210.1 – 51210.2 Physical education, grades 1 – 6
51210.4 Nutrition education
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51798 School instructional gardens
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Program, especially:
1758b Local wellness policy
1771-1791 Child Nutrition Act, especially:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.33 National School Lunch Program, especially:
210.30 Wellness policy
220.1-220.22 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Integrating Physical Activity into the School Day, Governance Brief, April 2016
Increasing Access to Drinking Water in Schools, Policy Brief, April 2013
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, revised 2012
Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, Rev. October 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, Rev. April 2012
Physical Activity and Physical Education in California Schools, Research Brief, April 2010
Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009
Physical Education and California Schools, Policy Brief, Rev. October 2007
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools, Kindergarten through Grade Twelve, 2009
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012

FEDERAL REGISTER

Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, rev. 2012

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2016

WEB SITES

CSBA: <http://www.csba.org>

Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for a Healthier Generation: <http://www.healthiergeneration.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Center for Collaborative Solutions: <http://www.ccscenter.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

U.S. Department of Agriculture, Healthy Meals Resource System: <http://healthymeals.fns.usda.gov>

STUDENTS
Infectious Diseases

T.U.S.D.
BP 5141.22

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing a high-quality education for all students. The Superintendent or designee shall collaborate with local and state health officials to develop and regularly update a comprehensive plan for disease prevention that promotes preventative measures, mitigation, education, communication, and training of students and staff. All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.

(cf. 0400 – Comprehensive Plans)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 –Equity)
(cf. 1312.3 Uniform Complaint Procedures)
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)
(cf. 3516 – Emergencies and Disaster Preparedness Plan)
(cf. 5141.21 – Administering Medication and Monitoring Health Conditions)
(cf. 5141.26 – Tuberculosis Testing)
(cf. 5141.3 – Health Examinations)
(cf. 5141.31 – Immunizations)
(cf. 5141.32 – Health Screening for School Entry)
(cf. 5141.6 – School Health Services)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 6020 – Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs and operations are based on the most up-to-date information.

The district’s comprehensive health education program shall provide age-appropriate information about the nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.

(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 – Comprehensive Health Education)

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public’s health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 – Universal Precautions)

STUDENTS
Infectious Diseases

T.U.S.D.
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Students with Infectious Diseases

The Superintendent or designee shall exclude students from on-campus instruction only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 – Exclusions from Attendance)
(cf. 6164.6 – Identification and Education Under Section 504)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student’s parents/guardians to minimize exposure to other diseases in the school setting. If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak. The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)
(cf. 5022 – Student and Family Privacy Rights)
(cf. 5125 – Student Records)

LEGAL REFERENCE:

EDUCATION CODE

- 48210-48216 Persons excluded
- 49060 – 49069.7 Student records
- 49073-49079 Privacy of pupil records
- 49403 Cooperation in control of communicable disease and immunization of pupils
- 49405 Smallpox control
- 49406 Examination for tuberculosis (employees)
- 49408 Student emergency information
- 49602 Counseling and confidentiality of student information
- 51202 Instruction in personal and public health and safety

CIVIL CODE

- 56-56.37 Confidentiality of Medical Information Act
- 1798-1798.78 Information Practices Act

HEALTH AND SAFETY CODE

- 120175.5 Local health officers and communicable diseases
- 120230 Exclusion for communicable disease
- 120325 – 120380 Immunization against communicable diseases

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120875 – 120895 AIDS information
120975 – 121023 Mandated blood testing and confidentiality to protect public health
121475 – 121520 Tuberculosis tests for students

CALIFORNIA CONSTITUTION
Article 1, section 1 - Right to Privacy

CODE OF REGULATIONS, TITLE 8
5193 Bloodborne pathogens

CODE OF REGULATIONS, TITLE 17
2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20
1232g Family Educational and Privacy Rights Act
1400 – 1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45
164.500-164.534 Privacy of individually identifiable health information

COURT DECISIONS
Thomas v. Atascadero Unified School District, (1986) 662 F. Supp. 376

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Science Safety Handbook for California Public Schools, 2014

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS
School District (K-12) Pandemic Influenza Planning Checklist

WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
California Department of Public Health: <http://www.cdph.ca.gov>
Centers for Disease Control and Prevention: <http://www.cdc.gov>

Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures

(cf. 5113 – Absences and Excuses)
(cf. 5113.1 – Chronic Absence and Truancy)
(cf. 6111 – School Calendar)
(cf. 6112 – School Day)
(cf. 6157 – Distance Learning)
(cf. 6158 – Independent Study)
(cf. 6159 – Individualized Education Program)
(cf. 6164.5 – Student Success Teams)
(cf. 6173 – Education for Homeless Youth)
(cf. 6173.1 – Education for Foster Youth)
(cf. 6181- Alternative Schools/Programs of Choice)
(cf. 6183 – Home and Hospital Instruction)

4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies
6. Procedures for the cancellation or alteration of extracurricular activities and field trips

(cf. 6145 – Extracurricular and Cocurricular Activities)
(cf. 6145.2 – Athletic Competition)
(cf. 6153 – School-Sponsored Trips)

7. Protocols for transportation of students using district vehicles

(cf. 3540 – Transportation)
(cf. 3543 – Transportation Safety and Emergencies)

8. Information on effective hygiene practices

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AR 5141.22

9. Provisions for continuing free and reduced-price meal services

(cf. 3550 – Food Service/Child Nutrition Program)
(cf. 3553 – Free and Reduced Price Meals)

10. Processes for protecting students who are at higher risk from the disease

11. Programs that enhance a positive school climate and foster the emotional well-being of all students

(cf. 5141.5 – Mental Health)
(cf. 5141.52 – Suicide Prevention)
(cf. 6164.2 – Guidance/Counseling Services)

12. Guidelines for cleaning and sanitization of district facilities and equipment

(cf. 3510 – Green School Operations)
(cf. 3514.1 – Hazardous Substances)

13. Protocols for visitors and outside groups that utilize district facilities

14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR [2508](#))

Universal Precautions in the Classroom

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.

(cf. 5142 - Safety)

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use

STUDENTS
Infectious Diseases

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prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.

- a. For finger punctures, students shall use individual sterile lancets that have engineered sharps injury protection and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
 5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5022 – Student and Family Privacy Rights)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.93 - Science Instruction)

STUDENTS
Mental Health

T.U.S.D.
BP 5141.5

The Governing Board recognizes that students' emotional well-being and mental health contribute to their ability to perform to their full academic and personal potential. The Superintendent or designee shall develop strategies and services to build students' resiliency skills, help students cope with life challenges, and reduce the stigma associated with mental illness.

The Superintendent or designee shall consult and collaborate with school-employed mental health professionals, the county mental health department, psychologists and other health professionals, social workers, and/or community organizations to strengthen local mental health services and develop and implement an integrated plan to support student mental health.

(cf. 1220 – Citizen Advisory Committees)
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)

To the extent possible, the district shall focus on preventive strategies which increase students' connectedness to school, create a support network of peers and trusted adults, and provide techniques for conflict resolution. The district shall investigate and resolve any complaint of bullying, intimidation, harassment, or discrimination in accordance with law and district policy.

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5131.2 – Bullying)
(cf. 5137 – Positive School Climate)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)

The district shall provide instruction to students that promotes their health mental, emotional, and social development. Health education courses shall be aligned with the state content standards and curriculum framework and shall include but not be limited to, instruction related to identifying signs of depression and self-destructive behaviors, developing coping skills, and identifying resources that may provide assistance.

(cf. 6142.8 – Comprehensive Health Education)

The Superintendent or designee shall provide school staff with information and training to recognize the early signs of an emerging mental health condition, identify risk factors and warning signs of suicidal intent, respond to students who have been impacted by traumatic stress, and link students with effective services and supports. Such information may also be provided to parents/guardians and families.

(cf. 1312.1 – Complaints Concerning District Employees)
(cf. 4131 – Staff Development)
(cf. 4231 – Staff Development)

STUDENTS
Mental Health

T.U.S.D.
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(cf. 4331 – Staff Development)
(cf. 5141.52 – Suicide Prevention)

The Superintendent or designee shall develop a protocol for identifying and assessing students who may be suffering from an anxiety disorder, depression, eating disorder, or other severe or disabling mental illness. The Superintendent or designee may establish districtwide or school-site crisis intervention teams to respond to mental health concerns in the school setting.

A school counselor, school psychologist, or school social worker may provide mental health counseling to students in accordance with the specialization(s) authorized on the individual’s credential. As needed, students and their parents/guardians may be provided referrals to mental health services in the community and/or to mental health services at or near district schools.

(cf. 5141.6 – School Health Services)
(cf. 6164.2 – Guidance/Counseling Services)

If a student has an emotional or mental illness that limits a major life activity, has a record of such impairment, or is regarded as having such impairment, or may need special education and related services, the student shall be referred for an evaluation for purposes of determining whether any educational or related services are required in accordance with Section 504 of the Rehabilitation Act or the federal Individuals with Disabilities Education Act, as applicable. (Education Code 56301-56302; 29 USC 794; 28 CFR 35.108)

The Superintendent or designee shall explore potential funding sources for district programs and service that support student’s mental health. In accordance with local plans and priorities, the district may apply to the county for grants for prevention and early intervention activities that are designed to prevent mental illness from becoming severe and disabling and to improve timely access for underserved populations.

Legal Reference:

EDUCATION CODE

215-216 Student suicide prevention

234.6 Posting suicide prevention policy on web site

32280-32289.5 Comprehensive safety plan

49060 – 49079 Student records

49600 Responsibilities of school counselors

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

56171 Duty to identify and assess children in private schools who need special education services

56300 – 56385 Identification, referral, and assessment for special education

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5840 – 5840.8 Prevention and early intervention programs

5850 – 5886 Children’s Mental Health Services Act

STUDENTS
Mental Health

T.U.S.D.
BP 5141.5

UNITED STATES CODE, TITLE 20
1400 – 1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 28
35.101- 35.190 Nondiscrimination on the basis of disability

CODE OF FEDERAL REGULATIONS, TITLE 34
34 CFR 300.1 – 300.818 Individuals with Disabilities Education Act

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness, Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL CHILD TRAUMATIC STRESS NETWORK PUBLICATIONS

Child Trauma Toolkit for Educators, 2008

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <https://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <https://www.schoolcounselor.org>

California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>

California Department of Health Care Services, Mental Health Services: <http://www.dhcs.ca.gov/services/MH>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

National Association of School Psychologists: <https://www.nasponline.org>

National Child Traumatic Stress Network: <https://www.nctsn.org>

National Council for Behavioral Health, Mental Health First Aid: <https://www.mentalhealthfirstaid.org>

National Institute for Mental Health: <http://www.nimh.nih.gov>

Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org>

Suicide Prevention Resource Center: <https://www.sprc.org/about-suicide>

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration:
<http://www.samhsa.gov>
