TITLE 25 HEALTH SERVICES

PART 1 DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 37 MATERNAL AND INFANT HEALTH SERVICES

SUBCHAPTER R ADVISORY COMMITTEES

§37.350. Texas School Health Advisory Committee.

(a) The committee. The Texas School Health Advisory Committee (committee) shall be appointed under and governed by this section. [~~The committee is established under the Health and Safety Code, §11.016, which allows the Health and Human Services Commission (commission) to establish advisory committees.~~]

(b) Applicable law. Government Code, §2110.008, does not apply to a committee created under this section. The committee is subject to the Health and Safety Code, §1001.0711, concerning the School Health Advisory Committee, the Texas Education Code, §38.104(c), and Government Code, Chapter 551, concerning Open Meetings.

(c) Purpose. The purpose of the committee is to provide assistance [~~to the State Health Services Council (council)~~] in establishing a leadership role for the Department of State Health Services (department) in support for and delivery of coordinated school health programs and school health services. In addition, the committee is to review the analysis of the required student physical fitness assessment adopted by the Texas Education Agency (TEA) and develop recommendations as outlined in Texas Education Code, §38.104(c).

(d) Composition.

(1) The committee shall be composed of one representative from the Texas Department of Agriculture (TDA), appointed by the Commissioner of Agriculture; one representative from TEA [~~the Texas Education Agency (TEA)~~], appointed by the Commissioner of Education; the department's School Health Program Coordinator or other department representative; [~~one representative from the Governor's Advisory Council on Physical Fitness (GACPF), to be designated by the GACPF;~~] and 17 members appointed by the Commissioner of the department that [~~Executive Commissioner of the Health and Human Services Commission which shall~~] consist of:

(A) two individuals representing school superintendents, assistant superintendents, school principals, assistant principals, or [~~other school administrators; and/or~~] school district board members;

(B) one registered nurse working in a school as a school nurse or school nurse administrator [~~with school district or school health administrative nursing experience~~];

(C) five consumer members who are parents of school-age children with at least one parent of a child with special needs;

(D) one physician, or physician's assistant, or nurse practitioner currently providing health services to school-aged children;

(E) one representative working in a school as a school counselor [~~the school setting~~] with certification in student counseling and guidance or [~~and/or~~] safety;

(F) four members representing a nonprofit or not-for-profit entity directly working with schools or school-aged children to support student learning, development, and health-related activities with no more than one member representing an institution of higher education [~~four members representing organizations and/or agencies involved with the health of school children~~];

(G) one representative working in a [~~the~~] school as a physical educator or physical education administrator [~~setting~~] with certification as a physical educator;

(H) one representative working in a [~~the~~] school as a health educator or health education administrator [~~setting~~] with certification as a health educator; and

(I) one representative working in the school setting as part of the district's school nutrition program [~~services~~].

(2) During all phases of the membership selection process, [~~the following information will be regarded with~~] special consideration in an effort to build a committee reflective of the current Texas population will be regarded with the following information:

(A) race, gender, age, and ethnic diversity;

(B) urban, rural, and suburban diversity; and[~~,~~]

(C) a broad statewide geographic representation whenever possible.

(3) Membership appointments shall include one alternate member for each appointed position [~~category representing a component of comprehensive school health~~]. The alternate will automatically be appointed as a member if the designated appointee is unable or unwilling to fulfill that role; or, whenever there is a vacancy [~~in a membership category before the end of a member's term. The appointed alternate will take the place of the member only during the term of office when the vacancy occurred~~]. The appointed alternate will perform the same duties and have the same privileges as the appointed member in fulfilling the unexpired term.

(e) Terms of office. The term of office of each member shall be four years. Members shall serve after expiration of their term until a replacement is appointed.

(1) Members shall be appointed for staggered terms so that the terms of a substantially equivalent number of members will expire on August 31 [~~July 31~~] of each year.

[~~(2) If a vacancy occurs before the expiration of a member's term, the most currently appointed alternate for the category where the vacancy has occurred may assume the unexpired portion of that term.~~]

(2) [~~(3)~~] A member whose term is expiring has the option to apply for appointment for one additional term.

(f) Officers. The committee members shall elect a presiding officer and an assistant presiding officer to begin serving a two-year term on September 1 of even numbered years [~~August 1 of their term~~].

(1) Each officer shall serve until August 31 [~~July 31~~] of their two-year term. [~~Each officer may hold over until the committee members elect his or her replacement.~~]

(2) The presiding officer shall preside at all committee meetings at which he or she is in attendance, call meetings in accordance with this section, appoint work groups [~~subcommittees~~] of the committee as necessary[~~, and cause proper reports to be made to the Executive Commissioner of the Health and Human Services Commission~~]. The presiding officer may serve as an ex-officio member of any work group [~~subcommittee~~] of the committee.

(3) The assistant presiding officer shall act for the presiding officer during the presiding officer's [~~his/her~~] absence and shall assume the office of presiding officer in the event of a vacancy. [~~When the unexpired term of the presiding officer is less than one-half, the assistant presiding officer shall complete the unexpired term of the presiding officer and the presiding officer will be installed to begin serving a two-year term as presiding officer with all the duties and privileges of the presiding officer as described in paragraph (2) of this subsection.~~]

(4) If the office of assistant presiding officer becomes vacant, it may be filled [~~temporarily~~] by a vote of the committee [~~until the Executive Commissioner of the Health and Human Services Commission appoints a successor~~].

(5) A member shall serve no more than two [~~consecutive~~] terms as an [~~presiding~~] officer [~~and/or assistant presiding officer~~].

(6) The committee may reference its officers by other terms, such as chairperson and vice-chairperson.

(g) Meetings. The committee shall meet at least twice each year.

(1) A meeting may be called by agreement of the department staff and either the presiding officer or at least three members of the committee.

(2) The department shall make meeting arrangements and shall contact committee members to determine availability for a meeting date and place.

(3) Meetings shall be announced and conducted in accordance with Government Code, Chapter 551. [~~The committee is not a "governmental body" as defined in the Open Meetings Act, Government Code, Chapter 551. However, in order to promote public participation, each meeting of the committee shall be announced and conducted in accordance with the Open Meetings Act, Government Code, Chapter 551, with the exception that the provisions allowing executive sessions shall not apply.~~]

(4) Each member of the committee shall be informed of a committee meeting at least ten [~~five~~] working days before the meeting.

(5) A simple majority [~~Ten members~~] of the committee shall constitute a quorum for the purpose of transacting official business.

(6) The committee is authorized to transact official business only when in a legally constituted meeting with a quorum present.

(7) The agenda for each committee meeting shall include an item entitled public comment under which any person will be allowed to address the committee on matters relating to committee business. The presiding officer may establish procedures for public comment, including a time limit on each comment.

(h) Attendance. Members shall attend committee meetings as scheduled. Members shall attend meetings of work groups [~~subcommittees~~] to which the member is assigned.

(1) A member shall notify the presiding officer and [~~or~~] appropriate department staff if he or she is unable to attend a scheduled meeting.

(2) It is grounds for removal from the committee if a member cannot discharge the member's duties for a substantial part of the term, is absent for more than half of the committee and work group [~~subcommittee~~] meetings during a calendar year, or is absent from at least three consecutive committee meetings. If the absences are determined to be reasonable by the presiding officer and agency staff, the member shall remain on the committee.

(3) If a member is removed from the committee before the end of the member's [~~his/her~~] term, the alternate appointee for the position [~~representative category~~] will serve out the remaining portion of the term.

(4) The validity of an action of the committee is not affected by the fact that it is taken when grounds for removal of a member exist.

(i) Staff. The department shall provide administrative support for the committee.

(j) Procedures. Roberts Rules of Order, Newly Revised, shall be the basis of parliamentary decisions except where otherwise provided by law, [~~or~~] rule, or when in conflict with Government Code, Chapter 551.

(1) Any committee action must be approved with a quorum present and by a majority vote or consensus of the members present.

(2) Any committee recommendations must be adopted pursuant to a simple majority vote on a motion duly made and seconded.

(3) [~~(2)~~] Each member shall have one vote.

(4) [~~(3)~~] A member may not authorize another individual to represent the member by proxy with the exception of the TDA, TEA, and department representatives appointed by the commissioners of these agencies [~~and the GACPF representative designated by the GACPF~~]. The commissioners of these agencies [~~and the GACPF~~] may appoint alternates to attend and vote.

(5) [~~(4)~~] The committee shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, or economic status.

(6) [~~(5)~~] Minutes of each committee meeting shall be taken by the department staff.

(A) After approval by the committee, the minutes shall be signed by the presiding officer.

(B) A copy of the minutes approved by the committee and signed by the presiding officer shall be posted to the department’s website at dshs.texas.gov [~~provided to the council~~] within 30 days of approval and signature [~~each meeting~~]. Committee members will receive minutes of each meeting at least five days before [~~prior to~~] the following meeting.

(k) Work Groups [~~Subcommittees~~]. The committee may establish work groups [~~subcommittees~~] as necessary to assist the committee in carrying out its duties.

(1) The presiding officer shall ask for volunteers and appoint members of the committee to serve on work groups [~~subcommittees~~] and to act as work group [~~subcommittee~~] chairpersons. [~~The presiding officer may also appoint nonmembers of the committee to serve on subcommittees.~~]

(2) Work groups [~~Subcommittees~~] shall meet when called by the work group [~~subcommittee~~] chairperson or when so directed by the committee.

(3) A work group [~~subcommittee~~] chairperson shall make regular reports to the committee at each of its meetings or in interim [~~written~~] reports as needed. [~~The reports shall include an executive summary or minutes of each subcommittee meeting.~~]

(l) Statement by members.

(1) The Health and Human Services Commission (commission), [~~commission, the council,~~] the department, and the committee shall not be bound in any way by any statement or action on the part of any committee member except when a statement or action is in pursuit of specific instructions from the commission, [~~council,~~] department, or committee.

(2) The committee and its members may not participate in legislative or advocacy activities [~~activity~~] in the name of the commission, [~~the council,~~] the department or the committee except with approval through the department's legislative process. Committee members are not prohibited from representing themselves or other entities in the legislative process. The committee will make recommendations per statutory requirements.

(m) Reports to Commissioner [~~council~~]. The committee shall file a [~~an~~ ~~annual~~] written report to the commissioner according to department policy [~~council~~].

[~~(1)~~] The committee [~~report~~] shall post [~~list~~] the meeting dates of the committee and any work groups, meeting agendas, and meeting minutes on the department's website at dshs.texas.gov [~~subcommittees, the attendance records of its members, a brief description of actions taken by the committee, a description of how the committee has accomplished the tasks given to the committee by the council, the status of any rules which were recommended by the committee to the council and anticipated activities of the committee for the next year~~].

[~~(2) The report shall identify the costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities.~~]

[~~(3) The report shall cover the meetings and activities in the immediate preceding 12 months and shall be filed with the council each June. The presiding officer and appropriate department staff shall sign it.~~]

(n) Reimbursement for expenses. In accordance with the requirements set forth in the Government Code, Chapter 2110, a committee member may receive reimbursement for the member's expenses incurred for each day the member engages in official committee business if authorized by the General Appropriations Act or budget execution process.

(1) No compensatory per diem shall be paid to members unless required by law.

(2) A committee member who is an employee of a state agency, other than the department, may not receive reimbursement for expenses from the department.

[~~(3) A nonmember of the committee who is appointed to serve on a subcommittee may not receive reimbursement for expenses from the department.~~]

(3) [~~(4)~~] Each member who is eligible to be reimbursed for expenses shall submit to department staff the member's receipts for allowable expenses as determined by school health program guidelines [~~staff~~], and any required official forms not later than 14 days after each committee meeting.

(4) [~~(5)~~] Requests for reimbursement of expenses shall be made on official state vouchers prepared by department staff.