

## **BILL ANALYSIS**

C.S.S.B. 42  
By: Nelson  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The incidence of childhood obesity is increasing in Texas. More than one-third of Texas school-aged children are overweight or obese. As a result, many children will be at risk of developing heart disease, stroke, high blood pressure, Type II diabetes, and certain cancers. In an effort to improve the health of elementary school students, daily physical activity was required for elementary school students as a result of S.B. 19, 77th Legislature.

This Act allows for the expansion of physical activity requirements to middle and junior high schools, up to the eighth grade; encourages the use of nationally recognized health and physical education guidelines; directs the reporting of information on physical activity, School Health Advisory Councils, and compliance with guidelines on vending machines, food service, and tobacco products; directs coordinated health programs approved by the Texas Education Agency to comply with the Department of Agriculture guidelines on foods of minimal nutritional value; and reinstates the School Health Advisory Committee.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Education in SECTION 1, the Commissioner of Education in SECTION 4, and to the Health and Human Services Commission in SECTION 9 and SECTION 12.

### **ANALYSIS**

CSSB 42 provides enrichment curriculum to include health, with an emphasis on the importance of proper nutrition and exercise. The bill allows the State Board of Education (SBOE) to adopt physical education requirements for middle and junior school settings for twice each week. The Act allows the SBOE to take into account certain situations involving extracurricular and club related events.

The Act requires the State Board of Education (SBOE), in consultation with the Department of State Health Services (DSHS), rather than the Texas Department of Health, and the Texas Diabetes Council, to develop a diabetes education program that a school district may use in the health curriculum.

The Act authorizes SBOE, after consulting with educators, parents, and medical professionals, by rule, to require a student enrolled in kindergarten or a grade level below grade nine, rather than grade seven in an elementary school setting, to participate in daily physical activity.

The Act requires the Texas Education Agency (TEA), in consultation with DSHS, in order to encourage school districts to promote physical activity for children through classroom curricula for health and physical education, to designate nationally recognized health and physical education program guidelines that a school district may use in the health curriculum or the physical education curriculum.

The Act requires a school district to publish in the student handbook and post on the district's Internet website, if the district has an Internet website, a statement of the policies adopted to ensure that elementary school, middle school, and junior high school students, engage in a specified amount per school week of physical activity and a statement of the number of times during the preceding year the district's school health advisory council has met.

The Act requires the commissioner of education to adopt criteria for evaluating the nutritional services component of a program that includes an evaluation of program compliance with the Department of Agriculture guidelines relating to foods of minimal nutritional value.

The Act requires each school district to provide to TEA information, including statistics and data, relating to student health and physical activity. Requires the district to provide the information required for the district and for each campus in the district.

The Act requires TEA to prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a report covering the preceding school year and containing a summary compilation of overall performance of students placed in a disciplinary alternative education program and a summary of the information regarding student health and physical activity from each school district.

The Act requires the Health and Human Services Commission (HHSC) to establish a School Health Advisory Committee at DSHS to provide assistance to the State Health Services Council in establishing a leadership role for DSHS in support for and delivery of coordinated school health programs and school health services. The Act establishes eligibility requirements for certain members of the committee.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

#### **COMPARISON OF THE ORIGINAL TO SUBSTITUTE**

The substitute differs from the original in that in the substitute the health education curriculum is in the enrichment curriculum, rather than the foundation curriculum. The substitute differs from the original in that it allows for physical education twice a week in middle and junior high settings rather than 30 minutes daily. The substitute allows extracurricular activity with a physical activity component and club-related events to be considered by the SBOE in its adoption of the criteria.