

## **BILL ANALYSIS**

Senate Research Center  
79R1252 ESH-D

S.B. 205  
By: Van de Putte  
Education  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Childhood obesity in Texas has reached epidemic levels. According to agency reports, nearly 44 percent of 4th grade students in Texas are considered overweight or obese. This is 46 percent higher than children of similar age in the rest of the country. Studies show that obese children are at a greater risk for Type II Diabetes, high blood pressure, arthritis, sleep apnea, cancer, and heart disease. In Texas, these health risks have resulted in the diagnosis of Type II diabetes in children as young as six years of age. Consequently, Texas is now facing a healthcare crisis of enormous proportions. Hospitalization costs for obese children and adolescents have tripled between 1979 and 1999, from \$35 million to \$127 million, even surpassing the medical costs of tobacco use. With a large population of uninsured residents in Texas, many of these costs are paid by the state.

Studies have shown that childhood obesity also negatively affects a student's academic success. According to the American Medical Association, severely overweight children and adolescents are four times more likely than healthy children and adolescents to report impaired school functioning. It has been shown that overweight children have significantly lower math and reading test scores at the beginning of the year than their non-overweight peers. During a time of increasing accountability requirements from the state, it is important that students be provided with the resources that encourage a healthy lifestyle and comfortable weight status because these have been shown to also be integral to a student's academic success.

While some school districts have independently chosen to provide this type of resource by instituting local programs that assess a students' body mass index (BMI), Texas currently only screens for the presence of Acanthosis Nigricans. Acanthosis Nigricans appear as a light brown-black, velvety, furrowed, rough marker on the skin around the neck, knuckles, elbows, knees, groin, or stomach area. This marker has been associated with systemic disorders such as hyperinsulinemia, and may serve as an indicator of Type II diabetes. However, only students in selected grades and regional service center areas receive this screening, and by the time the marker is noticed, insidious invisible health consequences may already be occurring.

As proposed, S.B. 205 requires school districts to screen students' body mass index (BMI) and provide relevant information to parents which would increase the probability of early detection and prevention of dangerous invisible health consequences. Just as the legislature empowers parents to monitor and help improve their children's academic status through report cards, S.B. 205 would empower them to monitor and help improve their children's health status. More importantly, S.B. 205 would help empower our children with a healthier tomorrow.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.022, as follows:

Sec. 38.022. INCLUSION OF BODY MASS INDEX IN NOTICE OF STUDENT'S PERFORMANCE. (a) Requires the written notice of a student's performance a school district gives to also include a statement of the student's body mass index (BMI), and as

required by Section 28.033(a)(2), whether the student's BMI is below, within, or above the normal range according to a BMI value table approved for use by the district's local school health advisory council (health council).

(b) Requires a school district to weigh each student and compute the student's BMI in a manner designed to respect the student's privacy.

(c) Requires the district, if the student's BMI is above the normal range, to provide the student's parent with written information, approved by the district's local school health advisory council, that explains the connection between a BMI that is above the normal range and obesity, diabetes, and other health problems.

SECTION 2. Amends the heading to Section 28.022, Education Code, to read as follows:

Sec. 28.022. NOTICE TO PARENT OF STUDENT PERFORMANCE AND ADDITIONAL INFORMATION.

SECTION 3. Amends Section 28.022, Education Code, by adding Subsection (a-1), to require the notice required under this section to include the information required by Section 38.022(a).

SECTION 4. Makes application of Sections 28.022, Education Code, as amended by this Act and 38.022, Education Code, as added by this Act, prospective to the 2005-2006 school year.

SECTION 5. Effective date: upon passage or September 1, 2005.