

BILL ANALYSIS

C.S.S.B. 426
By: Shapleigh
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many of today's youth suffer from obesity, which has reached epidemic proportions. There is a much higher percentage of children who are overweight, and many children have increasingly sedentary lifestyles. Moreover, the number one risk factor for adult obesity is obesity in adolescence. Poor diet and physical inactivity account for an estimated 300,000 deaths each year; only tobacco use causes more preventable deaths. This reality not only threatens quality of life but indicates looming health care costs for the state in the future. Studies have shown that comprehensive prevention programs have reduced obesity and prevented the onset of diabetes and that children who are physically fit perform better academically.

C.S.S.B. 426 would better use schools to address the issue of obesity and improve the health and productivity of school-age children. C.S.S.B. 426 requires TEA to collect best practices and develop incentives to provide access to school campuses after regular school hours and creates a Texas Fruit and Vegetable Pilot Project to provide free snacks for students throughout the school day.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 4 of this bill.

ANALYSIS

SECTION 1

Sets forth legislative findings regarding childhood obesity.

SECTION 2

Amends Subchapter B, Chapter 7, Education Code, by adding Section 7.029 as follows:

Sec. 7.029. INCENTIVES TO PROVIDE ACCESS TO SCHOOL CAMPUSES AFTER REGULAR SCHOOL HOURS.

(a) Requires the Texas Education Agency (TEA) to study incentives that could be provided to the board of trustees of a school district to adopt rules or to otherwise provide community access to school campuses after regular school hours for indoor and outdoor recreational purposes. Based on this study TEA is required to prepare a report recommending incentives.

(b) Requires TEA to submit a copy of the report, no later than November 1, 2006, to the speaker of the house of representatives, the lieutenant governor, the presiding officers of the standing committees in the house and senate primarily responsible for public education, and each school district in this state. The agency is required to post the report on its website.

(c) Provides that this section expires December 31, 2006.

SECTION 3

Amends Subchapter Z, Chapter 33, Education Code by adding Section 33.905 as follows:

Sec. 33.905. USE OF SCHOOL DISTRICT REAL PROPERTY BY NONPROFIT ORGANIZATION.

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(a) Requires a school district, to the extent reasonable, to accommodate an organization in making district real property available to the organization for conducting for school-age children if the district's superintendent or superintendent's designee determines that the organization is a tax-exempt nonprofit organization, the organization conducts activities that are acceptable for beneficial for school-age children, and conducting the activities will not disrupt district activities. A school district may not charge a nonprofit organization for use of district property to conduct activities under this section an amount greater than the actual cost to the district in making the property available.

SECTION 4

Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.018 as follows:

Sec. 38.018. TEXAS FRUIT AND VEGETABLE PILOT PROGRAM.

- (a) Defines "department" and "program".
- (b) Provides that this section applies only to a middle or junior high school in a district selected by the Texas Department of Agriculture (department) under Subsection (c) and that meets specific requirements.
- (c) Requires the department to select two school districts to participate in the Texas Fruit and Vegetable Pilot Program (program). Provides the guidelines by which the districts are to be selected.
- (d) Requires the department to implement and make the program available to participating schools during the 2006-2007 school year. The bill requires the department to implement the program with specific guidelines.
- (e) The department shall evaluate the effectiveness of the program after completion of the program. Requires the department to consider specific criteria in evaluating the program
- (f) Requires the department to prepare and deliver a report based on the evaluation to each member of the legislature by January 1, 2009.
- (g) The department may adopt rules to implement this section, as necessary.
- (h) Provides that this section expires September 1, 2009.

SECTION 5

Amends Chapter 12, Agriculture Code, by adding Section 12.039 as follows:

Sec. 12.039. STUDENT ELIGIBILITY FOR SCHOOL BREAKFAST AND LUNCH PROGRAM.

- (a) The department, the Texas Education Agency, and the Health and Human Services Commission shall ensure applicable information maintained by each entity is used on at least a quarterly basis to identify children who are categorically eligible for free meals under the national free or reduced-price breakfast and lunch program. The department, agency and commissioner are required to use information that corresponds to the months of the year in which enrollment in the food stamp program is customarily higher than average.
- (b) The department shall determine the feasibility of establishing a process under which school districts verify student eligibility for national free or reduced-price breakfast and lunch using data from other government programs. If the department determines that this process is feasible, they may implement the process.

SECTION 6

Except as provided by this Act, this Act applies beginning with the 2005-2006 school year.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute includes language as to the use of school district real property by nonprofit organizations. The substitute also includes language as to students who are eligible for the school breakfast and lunch program. The substitute removes language from the bill as to transportation services under Chapter 42 of the Education Code.