

By: Shapleigh, Nelson

S.B. No. 426

A BILL TO BE ENTITLED

AN ACT

relating to the health of school-age children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Many of today's youth suffer from obesity, which has reached epidemic proportions. There is a much higher percentage of children who are overweight than there was 20 years ago, 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 together account for an estimated 300,000 deaths each year; only tobacco use causes more preventable deaths. That reality not only threatens quality of life but indicates looming health care costs for the state in the future. Studies show that comprehensive prevention programs have reduced obesity and prevented the onset of diabetes and that children who are physically fit perform better academically. The purpose of this Act is to better use schools to address the issue of obesity and to improve the health and productivity of school-age children.

SECTION 2. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.029 to read as follows:

Sec. 7.029. INCENTIVES TO PROVIDE ACCESS TO SCHOOL CAMPUSES AFTER REGULAR SCHOOL HOURS. (a) The agency shall study incentives that could be provided to the board of trustees of a school district to adopt rules under Section 11.165 or to otherwise provide

1 community access to school campuses after regular school hours for
2 indoor and outdoor recreational activities. Based on that study,
3 the agency shall prepare a report recommending incentives.

4 (b) Not later than November 1, 2006, the agency shall submit
5 a copy of the report prepared under Subsection (a) to the speaker of
6 the house of representatives, the lieutenant governor, the
7 presiding officers of the standing committees in the house and
8 senate primarily responsible for public education, and each school
9 district in this state. The agency shall also post the report on
10 the agency's website.

11 (c) This section expires December 31, 2006.

12 SECTION 3. Subchapter A, Chapter 38, Education Code, is
13 amended by adding Section 38.018 to read as follows:

14 Sec. 38.018. TEXAS FRUIT AND VEGETABLE PILOT PROGRAM.

15 (a) In this section:

16 (1) "Department" means the Texas Department of
17 Agriculture.

18 (2) "Program" means the Texas Fruit and Vegetable
19 Pilot Program described by this section.

20 (b) This section applies only to a middle or junior high
21 school in a school district selected by the department under
22 Subsection (c) that:

23 (1) is located:

24 (A) in a metropolitan statistical area; and

25 (B) in a county that is located along the
26 southern portion of the border between this state and Mexico; or

27 (2) has an enrollment of at least 80,000 students and

1 is located in a county that:

2 (A) has a population of at least 1.4 million
3 people; and

4 (B) borders a county that has a population of at
5 least two million people.

6 (c) The department shall select two school districts to
7 participate in the Texas Fruit and Vegetable Pilot Program. One
8 district must meet the criteria specified under Subsection (b)(1)
9 and the other district must meet the criteria specified under
10 Subsection (b)(2).

11 (d) During the 2006-2007 school year, the department shall
12 implement and make the program available to participating schools.
13 In implementing the program, the department shall:

14 (1) provide students in participating schools with
15 free fresh and dried fruits and fresh vegetables as snacks before,
16 during, and after school;

17 (2) attempt to ensure that the fruits and vegetables
18 distributed in participating schools are Texas-grown produce; and

19 (3) allow participating schools flexibility in
20 determining what fruits and vegetables to offer.

21 (e) The department shall evaluate the effectiveness of the
22 program after completion of the program. In evaluating the
23 program, the department shall consider at participating schools:

24 (1) the nutritional knowledge and attitudes of
25 students;

26 (2) any improvement in student alertness in class;

27 (3) any improvement in student academic performance;

1 and

2 (4) any decrease in the average number of student
3 absences because of physical illness.

4 (f) Not later than January 1, 2009, the department shall
5 prepare and deliver to each member of the legislature a report based
6 on the evaluation conducted by the department under Subsection (e).

7 (g) The department may adopt rules as necessary to implement
8 this section.

9 (h) This section expires September 1, 2009.

10 SECTION 4. Subsection (c-1), Section 42.152, Education
11 Code, as added by Chapters 253 and 783, Acts of the 78th
12 Legislature, Regular Session, 2003, is reenacted and amended to
13 read as follows:

14 (c-1) Notwithstanding Subsection (c), funds allocated under
15 this section may be used to fund:

16 (1) in proportion to the percentage of students served
17 by the program that meet the criteria in Section 29.081(d) or (g):

18 (A) [~~(1)~~] an accelerated reading instruction
19 program under Section 28.006(g); or

20 (B) [~~(2)~~] a program for treatment of students who
21 have dyslexia or a related disorder as required by Section 38.003;
22 [.]

23 (2) a district's mentoring services program under
24 Section 29.089, as added by Chapter 783, Acts of the 78th
25 Legislature, Regular Session, 2003; or

26 (3) the operation of a district's school buses for the
27 purpose of transporting students to and from after-school

1 activities.

2 SECTION 5. Subsection (h), Section 42.155, Education Code,
3 is amended to read as follows:

4 (h) Funds allotted under this section must be used in
5 providing transportation services and may be used in providing
6 transportation services for students to and from after-school
7 activities.

8 SECTION 6. Except as otherwise provided by this Act, this
9 Act applies beginning with the 2005-2006 school year.

10 SECTION 7. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.