

By: Shapleigh, et al.

S.B. No. 426

Substitute the following for S.B. No. 426:

By: Eissler

C.S.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 Z, Chapter 33, Education Code, is  
13 amended by adding Sections 33.905 and to read as follows:

14 Sec. 33.905. USE OF SCHOOL DISTRICT REAL PROPERTY BY  
15 NONPROFIT ORGANIZATION. (a) A school district shall, to the extent  
16 reasonable, accommodate an organization in making district real  
17 property, including school facilities and grounds, available to the  
18 organization for conducting activities for school-aged children if  
19 the district's superintendent or the superintendent's designee  
20 determines that:

21 (1) the organization qualifies for a tax exemption  
22 under Section 501(a), Internal Revenue Code of 1986, as an  
23 organization described by Section 501(c)(3) of that code;

24 (2) the activities are acceptable and beneficial for  
25 school-aged children; and

26 (3) conducting the activities on district property  
27 will not disrupt district activities.

1       (b) A school district may not charge a nonprofit  
2 organization for use of district property to conduct activities  
3 under this section an amount greater than the actual cost to the  
4 district in making the property available.

5       SECTION 4. Subchapter A, Chapter 38, Education Code, is  
6 amended by adding Section 38.018 to read as follows:

7       Sec. 38.018. TEXAS FRUIT AND VEGETABLE PILOT PROGRAM. (a)  
8 In this section:

9           (1) "Department" means the Texas Department of  
10 Agriculture.

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

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

16           (1) is located:

17                   (A) in a metropolitan statistical area; and

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

20           (2) has an enrollment of at least 80,000 students and  
21 is located in a county that:

22                   (A) has a population of at least 1.4 million; and

23                   (B) borders a county that has a population of at  
24 least two million.

25       (c) The department shall select two school districts to  
26 participate in the Texas Fruit and Vegetable Pilot Program. One  
27 district must meet the criteria specified under Subsection (b)(1)

1 and the other district must meet the criteria specified under  
2 Subsection (b)(2).

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

6 (1) provide students in participating schools with  
7 free fresh and dried fruits and fresh vegetables as snacks before,  
8 during, and after school;

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

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

13 (e) The department shall evaluate the effectiveness of the  
14 program after completion of the program. In evaluating the  
15 program, the department shall consider at participating schools:

16 (1) the nutritional knowledge and attitudes of  
17 students;

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

19 (3) any improvement in student academic performance;

20 and

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

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

26 (g) The department may adopt rules as necessary to implement  
27 this section.

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

2       SECTION 5. Chapter 12, Agriculture Code, is amended by  
3 adding Section 12.039 to read as follows:

4       Sec. 12.039. STUDENT ELIGIBILITY FOR SCHOOL BREAKFAST AND  
5 LUNCH PROGRAM. (a) The department, the Texas Education Agency,  
6 and the Health and Human Services Commission shall ensure that  
7 applicable information maintained by each entity is used on at  
8 least a quarterly basis to identify children who are categorically  
9 eligible for free meals under the national free or reduced-price  
10 breakfast and lunch program. In complying with this subsection,  
11 the department, agency, and commission shall use information that  
12 corresponds to the months of the year in which enrollment in the  
13 food stamp program is customarily higher than average.

14       (b) The department shall determine the feasibility of  
15 establishing a process under which school districts verify student  
16 eligibility for the national free or reduced-price breakfast and  
17 lunch program through a direct verification process that uses  
18 information maintained under the food stamp and Medicaid programs,  
19 as authorized by 42 U.S.C. Section 1758(b)(3), as amended by  
20 Section 105(a) of the Child Nutrition and WIC Reauthorization Act  
21 of 2004 (Pub. L. No. 108-265), and 7 C.F.R. Sections 245.6a(a)(1)  
22 and (3) and 245.6a(b)(3). If the department determines the process  
23 described by this subsection is feasible, the department may  
24 implement the process.

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

27       SECTION 7. This Act takes effect immediately if it receives

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