

1-1 By: Shapleigh, Nelson S.B. No. 426
1-2 (In the Senate - Filed February 9, 2005; February 15, 2005,
1-3 read first time and referred to Committee on Education;
1-4 April 21, 2005, rereferred to Committee on Health and Human
1-5 Services; April 28, 2005, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-7 April 28, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 426 By: Armbrister

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the health of school-age children.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Many of today's youth suffer from obesity, which
1-14 has reached epidemic proportions. There is a much higher
1-15 percentage of children who are overweight than there was 20 years
1-16 ago, and many children have increasingly sedentary lifestyles.
1-17 Moreover, the number one risk factor for adult obesity is obesity in
1-18 adolescence. Poor diet and physical inactivity together account
1-19 for an estimated 300,000 deaths each year; only tobacco use causes
1-20 more preventable deaths. That reality not only threatens quality
1-21 of life but indicates looming health care costs for the state in the
1-22 future. Studies show that comprehensive prevention programs have
1-23 reduced obesity and prevented the onset of diabetes and that
1-24 children who are physically fit perform better academically. The
1-25 purpose of this Act is to better use schools to address the issue of
1-26 obesity and to improve the health and productivity of school-age
1-27 children.

1-28 SECTION 2. Subchapter B, Chapter 7, Education Code, is
1-29 amended by adding Section 7.029 to read as follows:

1-30 Sec. 7.029. INCENTIVES TO PROVIDE ACCESS TO SCHOOL CAMPUSES
1-31 AFTER REGULAR SCHOOL HOURS. (a) The agency shall study incentives
1-32 that could be provided to the board of trustees of a school district
1-33 to adopt rules under Section 11.165 or to otherwise provide
1-34 community access to school campuses after regular school hours for
1-35 indoor and outdoor recreational activities. Based on that study,
1-36 the agency shall prepare a report recommending incentives.

1-37 (b) Not later than November 1, 2006, the agency shall submit
1-38 a copy of the report prepared under Subsection (a) to the speaker of
1-39 the house of representatives, the lieutenant governor, the
1-40 presiding officers of the standing committees in the house and
1-41 senate primarily responsible for public education, and each school
1-42 district in this state. The agency shall also post the report on
1-43 the agency's website.

1-44 (c) This section expires December 31, 2006.

1-45 SECTION 3. Subchapter A, Chapter 38, Education Code, is
1-46 amended by adding Section 38.018 to read as follows:

1-47 Sec. 38.018. TEXAS FRUIT AND VEGETABLE PILOT PROGRAM.

1-48 (a) In this section:

1-49 (1) "Department" means the Texas Department of
1-50 Agriculture.

1-51 (2) "Program" means the Texas Fruit and Vegetable
1-52 Pilot Program described by this section.

1-53 (b) This section applies only to a middle or junior high
1-54 school in a school district selected by the department under
1-55 Subsection (c) that:

1-56 (1) is located:

1-57 (A) in a metropolitan statistical area; and

1-58 (B) in a county that is located along the
1-59 southern portion of the border between this state and Mexico; or

1-60 (2) has an enrollment of at least 80,000 students and
1-61 is located in a county that:

1-62 (A) has a population of at least 1.4 million
1-63 people; and

2-1 (B) borders a county that has a population of at
 2-2 least two million people.

2-3 (c) The department shall select two school districts to
 2-4 participate in the Texas Fruit and Vegetable Pilot Program. One
 2-5 district must meet the criteria specified under Subsection (b)(1)
 2-6 and the other district must meet the criteria specified under
 2-7 Subsection (b)(2).

2-8 (d) During the 2006-2007 school year, the department shall
 2-9 implement and make the program available to participating schools.
 2-10 In implementing the program, the department shall:

2-11 (1) provide students in participating schools with
 2-12 free fresh and dried fruits and fresh vegetables as snacks before,
 2-13 during, and after school;

2-14 (2) attempt to ensure that the fruits and vegetables
 2-15 distributed in participating schools are Texas-grown produce; and

2-16 (3) allow participating schools flexibility in
 2-17 determining what fruits and vegetables to offer.

2-18 (e) The department shall evaluate the effectiveness of the
 2-19 program after completion of the program. In evaluating the
 2-20 program, the department shall consider at participating schools:

2-21 (1) the nutritional knowledge and attitudes of
 2-22 students;

2-23 (2) any improvement in student alertness in class;

2-24 (3) any improvement in student academic performance;

2-25 and

2-26 (4) any decrease in the average number of student
 2-27 absences because of physical illness.

2-28 (f) Not later than January 1, 2009, the department shall
 2-29 prepare and deliver to each member of the legislature a report based
 2-30 on the evaluation conducted by the department under Subsection (e).

2-31 (g) The department may adopt rules as necessary to implement
 2-32 this section.

2-33 (h) This section expires September 1, 2009.

2-34 SECTION 4. Subsection (c-1), Section 42.152, Education
 2-35 Code, as added by Chapters 253 and 783, Acts of the 78th
 2-36 Legislature, Regular Session, 2003, is reenacted and amended to
 2-37 read as follows:

2-38 (c-1) Notwithstanding Subsection (c), funds allocated under
 2-39 this section may be used to fund:

2-40 (1) in proportion to the percentage of students served
 2-41 by the program that meet the criteria in Section 29.081(d) or (g):

2-42 (A) [~~1~~] an accelerated reading instruction
 2-43 program under Section 28.006(g); or

2-44 (B) [~~2~~] a program for treatment of students who
 2-45 have dyslexia or a related disorder as required by Section 38.003;
 2-46 [~~-~~]

2-47 (2) a district's mentoring services program under
 2-48 Section 29.089, as added by Chapter 783, Acts of the 78th
 2-49 Legislature, Regular Session, 2003; or

2-50 (3) the operation of a district's school buses for the
 2-51 purpose of transporting students to and from after-school
 2-52 activities.

2-53 SECTION 5. Subsection (h), Section 42.155, Education Code,
 2-54 is amended to read as follows:

2-55 (h) Funds allotted under this section must be used in
 2-56 providing transportation services and may be used in providing
 2-57 transportation services for students to and from after-school
 2-58 activities.

2-59 SECTION 6. Except as otherwise provided by this Act, this
 2-60 Act applies beginning with the 2005-2006 school year.

2-61 SECTION 7. This Act takes effect immediately if it receives
 2-62 a vote of two-thirds of all the members elected to each house, as
 2-63 provided by Section 39, Article III, Texas Constitution. If this
 2-64 Act does not receive the vote necessary for immediate effect, this
 2-65 Act takes effect September 1, 2005.

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