

By: Lucio

S.B. No. 1115

A BILL TO BE ENTITLED

AN ACT

relating to a health performance incentive program in public schools.

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

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. RECOGNIZING EXTRAORDINARY ACHIEVEMENT IN CHILDREN'S HEALTH (REACH) PROGRAM

Sec. 38.101. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of Agriculture.

(2) "Program" means the Recognizing Extraordinary Achievement in Children's Health (REACH) Program.

Sec. 38.102. PROGRAM. (a) The Department of Agriculture, as the state agency responsible for administering the United States Department of Agriculture's child nutrition programs, shall administer the Recognizing Extraordinary Achievement in Children's Health Program.

(b) The department may consult with the agency, regional education service centers, local school health advisory councils, and other appropriate entities in establishing and administering the program.

Sec. 38.103. ELIGIBILITY FOR PARTICIPATION. A school is eligible to participate in the program if the school participates in the national school lunch program established under 42 U.S.C.

1 Section 1751 et seq. or the national school breakfast program  
2 provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section  
3 1773).

4 Sec. 38.104. MEASURING HEALTH PERFORMANCE. (a) The  
5 department shall measure the health performance of each school that  
6 participates in the program by using:

7 (1) the school health index developed by the Centers  
8 for Disease Control and Prevention of the United States Public  
9 Health Service; and

10 (2) any other criteria adopted by the department.

11 (b) The department, in consultation with school health  
12 experts, shall determine the minimum health performance score a  
13 school must achieve under this section for the school to be eligible  
14 for a monetary program award under Section 38.105.

15 (c) In determining a school's health performance score  
16 under Subsection (b), the department, as provided by department  
17 rule, shall award additional points to a school that has a high  
18 percentage of educationally disadvantaged students.

19 (d) A school that achieves the minimum health performance  
20 score under Subsection (b) may receive a monetary program award  
21 only if sufficient funds are available under Section 38.106.

22 Sec. 38.105. PROGRAM AWARDS. (a) Subject to the  
23 availability of funding for the program, the department may provide  
24 a school that participates in the program and achieves the minimum  
25 health performance score under Section 38.104(b) with a monetary  
26 program award.

27 (b) The department by rule shall establish the criteria for

1 determining the amount of money awarded to a school. The criteria  
2 must include consideration of the average daily attendance and the  
3 grade levels provided at the applicant schools.

4 (c) The department may provide a nonmonetary award to a  
5 school as determined by the department.

6 Sec. 38.106. FUNDING. (a) The department may solicit and  
7 accept gifts and grants for the benefit of the program.

8 (b) The department shall administer the program using gifts  
9 and grants received under Subsection (a) and funds appropriated to  
10 the department for program purposes.

11 (c) A school may use the monetary program award as  
12 determined by the school, but should use a portion of the money to  
13 pay for implementing the program or other health improvement  
14 programs at the school.

15 Sec. 38.107. APPLICATIONS. (a) An eligible school may  
16 apply to the department to participate in the program. In applying,  
17 the school shall provide the department with:

18 (1) the completed school health index assessment  
19 described by Section 38.104(a)(1) for the school;

20 (2) information concerning the average daily  
21 attendance of students at the school;

22 (3) a statement of the number of educationally  
23 disadvantaged students at the school; and

24 (4) any other information the department requires.

25 (b) Before submitting the application to the department, a  
26 school must present the application for verification and approval  
27 to the superintendent of the school district in which the school is

1 located or the superintendent's designee or to any other official  
2 determined by the department.

3 Sec. 38.108. AGREEMENT. The department shall enter into an  
4 agreement with each school that participates in the program before  
5 the school receives a monetary program award from the department.

6 The agreement must:

7 (1) specify any recordkeeping requirements for  
8 participation in the program; and

9 (2) provide that the department or its designee may  
10 audit records required under Subdivision (1) and otherwise monitor  
11 compliance with program rules.

12 Sec. 38.109. RULES. The department may adopt rules as  
13 necessary to administer this subchapter.

14 SECTION 2. This Act applies beginning with the 2005-2006  
15 school year.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2005.