

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 21, 2005

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB426 by Shapleigh (Relating to the health of school-age children.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would create a variety of programs related to student health and physical activity.

Section 2 of the bill would direct the Texas Education Agency (TEA) to conduct a study and provide recommendations concerning possible incentives for school districts to adopt rules or to otherwise provide community access to school campuses after regular school hours for indoor and outdoor recreational activities. It is assumed that the study would be conducted on a contract basis at a cost of approximately \$50,000 in fiscal 2006.

Section 4 of the bill would require school districts to report certain information regarding health education and physical activity through PEIMS during the 2006-07 school year. According to TEA, the PEIMS database is not designed to collect this type of information and there is a two-year process to integrate a new element into the database. Due to the one-time nature of required data collection, it is assumed that some type of survey instrument would be sufficient to meet the intent of the legislation. Based on this assumption, it is likely that the required activities could be implemented using contracted resources of approximately \$100,000 in fiscal year 2007. If TEA is required to modify the PEIMS system or to conduct on-site investigations instead of by telephone and correspondence, significantly higher costs would be anticipated.

Section 5 of the bill would require that the State Board of Education adopt rules requiring at least one semester of physical education for each student in middle or junior high grade levels by school year 2010-11. By fiscal year 2011, it is likely that at least 250 additional instructional FTEs would be needed to meet the requirement. This would result in some state impact for Teacher Retirement System (TRS) on-behalf contributions. BY 2011, additional TRS on-behalf contributions for this group based on a constitutional minimum would be anticipated to exceed \$600,000 on an annual basis.

Section 6 of the bill would direct the Texas Department of Agriculture (TDA) to establish the pilot Texas Fruit and Vegetable Pilot Program during the 2006-07 school year consisting of two school districts that meet certain criteria. The bill specifies that as part of the program students would be provided free fruits and vegetables three times a day. The bill further requires TDA to evaluate the effectiveness of the program taking into account criteria mentioned in the bill and produce a report to the state leadership no later than January 1, 2009.

TDA proposes that the pilot programs be at a middle school in Brownsville with an enrollment of 976 students and a middle school in Fort Worth with an enrollment of 1,150 students. Assuming a cost of approximately 5 cents per day, \$9.45 per child per year, TDA estimates the cost of the program to total \$20,091 for both schools. In order to administer the program, TDA anticipates the need for one temporary nutritionist and one temporary research specialist at a cost of \$28,800 in fiscal year 2007. TDA also anticipates \$3,600 in travel costs. The total cost to TDA to implement the pilot program is \$52,491 in fiscal year 2007.

Local Government Impact

While there would be no significant fiscal implication to local school districts in fiscal years 2007-10, school districts would be required to provide physical education instruction at each grade in middle and junior high school settings by 2010-11. A campus-by-campus analysis of the middle school physical education requirements indicates that at least 250 additional teacher FTEs would be needed by 2010-11 to meet the requirement. Based on the current minimum salary structure, the annual salary cost for these additional staff would be approximately \$10.3 million at full implementation.

Source Agencies: 551 Department of Agriculture, 701 Central Education Agency, 537 Department of State Health Services

LBB Staff: JOB, CL, CT, UP, KC