

By: Lucio

S.B. No. 416

A BILL TO BE ENTITLED

AN ACT

1
2 relating to creation of a state program to provide monetary awards
3 to public school districts with extraordinary achievement in
4 children's health.

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

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

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

10 Sec. 38.101. DEFINITIONS. In this subchapter:

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

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

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

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

23 Sec. 38.103. ELIGIBILITY FOR PARTICIPATION. A school is
24 eligible to participate in the program if the school participates

1 in the national school lunch program established under 42 U.S.C.
2 Section 1751 et seq. or the national school breakfast program
3 provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section
4 1773).

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

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

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

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

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

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

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

1 (b) The department by rule shall establish the criteria for
2 determining the amount of money awarded to a school. The criteria
3 must include consideration of the average daily attendance and the
4 grade levels provided at the applicant schools.

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

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

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

12 (c) A school may use the monetary program award as the
13 school determines, but should use a portion of the money to pay for
14 implementing the program or administering new or existing health
15 improvement programs at the school.

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

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

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

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

25 (4) any other information the department requires.

26 (b) Before submitting the application to the department, a
27 school must present the application for verification and approval

1 to the superintendent of the school district in which the school is
2 located or the superintendent's designee or to any other official
3 determined by the department.

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

7 The agreement must:

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

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

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

15 SECTION 2. This Act applies beginning with the 2007-2008
16 school year.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.