

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Raymond, Guillen, King of Zavala,  
Pickett, Escobar, et al.

H.B. No. 3618

A BILL TO BE ENTITLED

AN ACT

relating to certain health programs and grants and other related funds for school districts located in the border region.

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

SECTION 1. Section 38.013, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The commissioner in consultation with the Department of State Health Services shall adopt criteria to require that at least one program available under Subsection (a) be designed to prevent and detect obesity and Type 2 diabetes by taking into account the needs of a school district described by Section 38.0131 that has a student population identified by the commissioner as at risk for obesity and Type 2 diabetes. A program designated under this subsection must provide that:

(1) each school district must distribute to each school in the district:

(A) health curriculum teacher's guides for each grade level;

(B) health curriculum student workbooks for each student in each grade level;

(C) a physical education activity pad;

(D) a cafeteria program instructor's guide and food service staff workbooks; and

(E) a newsletter for the family of each student

1 in the district;

2 (2) for each student in kindergarten through grade  
3 eight, each school in the school district must:

4 (A) measure the height and weight of the student  
5 at the beginning of the school year and at another appropriate time  
6 during the implementation of the program; and

7 (B) track the measurements of the student and the  
8 progress of the student under the program through a data entry  
9 system provided over the Internet; and

10 (3) the coordinated health program components must  
11 consist of bilingual materials.

12 SECTION 2. Subchapter A, Chapter 38, Education Code, is  
13 amended by adding Section 38.0131 to read as follows:

14 Sec. 38.0131. REQUIRED COORDINATED HEALTH PROGRAM FOR  
15 CERTAIN SCHOOL DISTRICTS. (a) This section applies only to a  
16 school district located in a municipality that:

17 (1) has a population greater than 11,900; and

18 (2) is located within one-half mile of an  
19 international border.

20 (b) A school district to which this section applies shall  
21 implement a coordinated health program that meets the criteria of  
22 Section 38.013(d).

23 (c) In the first year a school district implements a program  
24 under this section, the district shall report the measurements of  
25 student height and weight and the progress of a student under the  
26 program to the entity that administers the program. The  
27 administering entity shall evaluate and analyze the measurements to

1 determine the effectiveness of the program in the first year.

2 (d) The Department of State Health Services shall, from  
3 money appropriated for that purpose, distribute money to each  
4 school district required to implement a coordinated health program  
5 under this section to cover the costs associated with the program.

6 SECTION 3. Subchapter B, Chapter 38, Education Code, is  
7 amended by adding Section 38.0631 to read as follows:

8 Sec. 38.0631. GRANT-WRITING COORDINATION PROGRAM. (a) The  
9 Department of State Health Services shall employ one person as a  
10 grant writer to assist and coordinate with school districts located  
11 in the Texas-Mexico border region in obtaining grants and other  
12 funds for school-based health centers.

13 (b) A grant writer employed under this section may secure a  
14 grant or other funds on behalf of the state for a school-based  
15 health center.

16 (c) Funds obtained by the use of a grant writer employed  
17 under this section may be used only to:

18 (1) acquire, construct, or improve facilities for a  
19 school-based health center;

20 (2) purchase or lease equipment or materials for a  
21 school-based health center; or

22 (3) pay the salary or employment benefits of a person  
23 who is employed to work exclusively in a school-based health  
24 center.

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 3618

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.

# ADOPTED

FLOOR AMENDMENT NO. 1

MAY 23 2007

BY:

*Antony Spaw*  
Secretary of the Senate

*Zaffinini*

1 Amend H.B. No. 3618 (senate committee printing) by striking  
2 all below the enacting clause and substituting the following:

3 SECTION 1. Chapter 168, Health and Safety Code, is amended  
4 by adding Sections 168.010 and 168.011 to read as follows:

5 Sec. 168.010. DIABETES INTERVENTION PILOT PROGRAM FOR  
6 SCHOOL DISTRICTS LOCATED ON THE TEXAS-MEXICO BORDER. (a) This  
7 section applies only to a school district located in a county  
8 that:

9 (1) has a population of less than 600,000; and

10 (2) is located on the international border.

11 (b) The department, in consultation with the Texas  
12 Education Agency, shall adopt criteria for the development of a  
13 pilot program that is designed to prevent and detect Type 2  
14 diabetes for a school district described by Subsection (a) that  
15 has a student population identified by the commissioner as at  
16 risk for Type 2 diabetes and that takes into account the needs  
17 of the school district. A pilot program developed under this  
18 subsection must provide that:

19 (1) for each student in kindergarten through grade  
20 eight, each school in the school district must:

21 (A) measure the height, weight, and blood  
22 glucose levels of the student at the beginning of the school  
23 year and at another appropriate time during the implementation  
24 of the program; and

25 (B) track the measurements of the student and  
26 the progress of the student under the program through a data  
27 entry system provided over the Internet; and

28 (2) the pilot program components consist of bilingual  
29 materials.

15

1       (c) A school district to which Subsection (a) applies may  
2 choose to participate in a pilot program under this section. In  
3 the first year a school district implements a program under this  
4 section, the district shall report the measurements of student  
5 height, weight, and blood glucose levels and the progress of a  
6 student under the program to the entity that administers the  
7 program. The administering entity, in cooperation with the  
8 department, shall evaluate and analyze the measurements to  
9 determine the effectiveness of the program in the first year.

10       (d) The department shall, from money appropriated for that  
11 purpose, distribute money to each school district that chooses  
12 to implement a pilot program under this section to cover the  
13 costs associated with the program.

14       Sec. 168.011. GRANT-WRITING COORDINATION PROGRAM. (a) The  
15 department shall employ one person as a grant writer to assist  
16 and coordinate with school districts located in the Texas-Mexico  
17 border region in obtaining grants and other funds for school-  
18 based health centers.

19       (b) A grant writer employed under this section may secure  
20 a grant or other funds on behalf of the state for a school-based  
21 health center.

22       (c) Funds obtained by the use of a grant writer employed  
23 under this section may be used only to:

24           (1) acquire, construct, or improve facilities for a  
25 school-based health center;

26           (2) purchase or lease equipment or materials for a  
27 school-based health center; or

28           (3) pay the salary or employment benefits of a person  
29 who is employed to work exclusively in a school-based health  
30 center.

26

1           SECTION 2.     This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas  
4 Constitution.   If this Act does not receive the vote necessary  
5 for immediate effect, this Act takes effect September 1, 2007.

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

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

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

**IN RE: HB3618** by Raymond (Relating to certain health programs and grants and other related funds for school districts located in the border region.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3618, As Engrossed: a negative impact of (\$2,595,520) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	(\$61,000)
2009	(\$2,534,520)
2010	(\$1,616,049)
2011	(\$1,644,877)
2012	(\$1,676,330)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND I</b>
2008	(\$61,000)
2009	(\$2,534,520)
2010	(\$1,616,049)
2011	(\$1,644,877)
2012	(\$1,676,330)

**Fiscal Analysis**

The bill would require the commissioner of education, in consultation with the Department of State Health Services, to adopt criteria to ensure that at least one coordinated health program available for schools is designed to prevent and detect obesity and Type 2 diabetes by taking into account the needs of school districts located near the Texas-Mexico border that meet specific criteria. School districts meeting the criteria prescribed in the bill would be required to implement this coordinated health program. The bill would require that each district's program include the distribution of health curriculum teacher's guides for each grade level, health curriculum student workbooks for each student in each grade level, a physical education activity pad, a cafeteria program instructor's guide and food service staff workbooks, and a newsletter for the family of each student in the district. The bill would require bilingual program materials.



The bill would require that participating school districts measure the height and weight of each student in grades kindergarten through eight at the beginning of the school year and at another appropriate time during implementation of the program. School districts would be required to track the measurements of the student and the progress of the student under the program through a data entry system provided over the Internet.

The bill would require affected districts to report student height, weight, and progress during the first year of program implementation to an entity that would administer the program. The administering entity would be required to evaluate and analyze the reported measurements to determine the effectiveness of the program in the first year.

The bill would direct the Department of State Health Services to distribute funds to cover the costs associated with the program to each affected school district. It is assumed that state funding distributed by the Department of State Health Services would be used to pay costs for student, teacher, employee, and family materials required under the bill. These materials would be bilingual and would include the health curriculum teacher's guides, health curriculum student workbooks, a physical education activity pad, a cafeteria program instructor's guide, food service staff workbooks, and a newsletter for the family of each student in the district.

The bill would require the Department of State Health Services (DSHS) to employ 1 grant writer to assist school districts in obtaining funding for school-based health centers.

The bill would take effect immediately upon passage by the necessary voting majorities on September 1, 2007.

## **Methodology**

It is assumed that activities under the bill for FY2008 would primarily consist of actions by the commissioner and the Department of State Health Services (DSHS) to ensure that a program meeting the requirements of the bill is adopted and that affected districts are notified of the program's availability and the requirement to implement the program. The first year of program implementation by school districts would be assumed to occur in FY2009.

The Texas Education Agency indicates that approximately six school districts would meet the specific criteria contained in the bill. The districts identified are Brownsville ISD, El Paso ISD, San Elizario ISD, Ysleta ISD, Socorro ISD, and Laredo ISD. The total enrollment in affected districts for the 2006-2007 school year is approximately 223,000 students, with about 149,000 enrolled in grades kindergarten through eight. The districts employ approximately 15,000 teachers and at least 100 food service workers. Growth in student, teachers, and food service staff populations is assumed at approximately 2 percent per year.

The bill references an entity administering the program and evaluating program data during the first year of implementation. For the purpose of this fiscal note it is assumed that the data collection and evaluation would be contracted to a third party vendor for an estimated state cost of \$850,000 in FY2009. It is assumed that the data collection and evaluation costs would be one-time in nature per language in the bill requiring the activities for the purpose of determining the effectiveness of the program in the first year.

Costs for the type of student and employee consumable workbook materials required under the bill are estimated to range from \$3 - \$10 per workbook. Assuming an average cost of \$6.50 per workbook, the estimated annual cost to affected school districts for the required student and food service workers' workbooks would be approximately \$1.5 million in FY2009 increasing to \$1.6 million by FY2012. Assuming that teacher and instructor guides would be provided at a similar price per copy but would be durable rather than consumable, costs in FY2009 for these materials would be approximately \$100,000 with relatively insignificant costs in each subsequent year to provide new teachers and cafeteria program instructors with guides. It is assumed that costs for student, teacher, and employee materials required under the bill and the family newsletter would be paid by the state through the funding mechanism to be administered by the Department of State Health Services.

With regard to the provision requiring DSHS to employ a grant-writer, costs of approximately \$55,000 are estimated in fiscal year 2008 and \$65,000 in fiscal years 2009-2012 for 1 Full-Time-Equivalent (FTE) position. This estimate includes costs for salaries, benefits, travel, and other administrative costs.

**Technology**

DSHS estimates an additional cost of approximately \$6,000 in fiscal year 2008 and \$7,000 in fiscal years 2009-2012 for computer hardware and software.

**Local Government Impact**

To the extent that affected school districts may not currently be measuring the height and weight of students in grades kindergarten through eight and tracking such measurements, local costs associated with workload to support this activity could be incurred.

The bill could result in additional grant funding for school districts' school-based health centers.

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

**LBB Staff:** JOB, CL, UP, JSp

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

April 15, 2007

**TO:** Honorable Tracy King, Chair, House Committee on Border & International Affairs

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

**IN RE: HB3618** by Raymond (Relating to a coordinated health program for school districts located in the border region.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3618, Committee Report 1st House, Substituted: a negative impact of (\$2,462,520) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	(\$2,462,520)
2010	(\$1,544,049)
2011	(\$1,572,877)
2012	(\$1,604,330)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2008	\$0
2009	(\$2,462,520)
2010	(\$1,544,049)
2011	(\$1,572,877)
2012	(\$1,604,330)

**Fiscal Analysis**

The bill would require the commissioner of education, in consultation with the Department of State Health Services, to adopt criteria to ensure that at least one coordinated health program available for schools is designed to prevent and detect obesity and Type 2 diabetes by taking into account the needs of school districts located near the Texas-Mexico border that meet specific criteria. School districts meeting the criteria prescribed in the bill would be required to implement this coordinated health program. The bill would require that each district's program include the distribution of health curriculum teacher's guides for each grade level, health curriculum student workbooks for each student in each grade level, a physical education activity pad, a cafeteria program instructor's guide and food service staff workbooks, and a newsletter for the family of each student in the district. The bill would require bilingual program materials.

The bill would require that participating school districts measure the height and weight of each student in grades kindergarten through eight at the beginning of the school year and at another appropriate time during implementation of the program. School districts would be required to track the measurements of the student and the progress of the student under the program through a data entry system provided over the Internet.

The bill would require affected districts to report student height, weight, and progress during the first year of program implementation to an entity that would administer the program. The administering entity would be required to evaluate and analyze the reported measurements to determine the effectiveness of the program in the first year.

The bill would direct the Department of State Health Services to distribute funds to cover the costs associated with the program to each affected school district. It is assumed that state funding distributed by the Department of State Health Services would be used to pay costs for student, teacher, employee, and family materials required under the bill. These materials would be bilingual and would include the health curriculum teacher's guides, health curriculum student workbooks, a physical education activity pad, a cafeteria program instructor's guide, food service staff workbooks, and a newsletter for the family of each student in the district.

The bill would take effect immediately upon passage by the necessary voting majorities on September 1, 2007.

### **Methodology**

It is assumed that activities under the bill for FY2008 would primarily consist of actions by the commissioner and the Department of State Health Services to ensure that a program meeting the requirements of the bill is adopted and that affected districts are notified of the program's availability and the requirement to implement the program. The first year of program implementation by school districts would be assumed to occur in FY2009.

The Texas Education Agency indicates that approximately six school districts would meet the specific criteria contained in the bill. The districts identified are Brownsville ISD, El Paso ISD, San Elizario ISD, Ysleta ISD, Socorro ISD, and Laredo ISD. The total enrollment in affected districts for the 2006-2007 school year is approximately 223,000 students, with about 149,000 enrolled in grades kindergarten through eight. The districts employ approximately 15,000 teachers and at least 100 food service workers. Growth in student, teachers, and food service staff populations is assumed at approximately 2 percent per year.

The bill references an entity administering the program and evaluating program data during the first year of implementation. For the purpose of this fiscal note it is assumed that the data collection and evaluation would be contracted to a third party vendor for an estimated state cost of \$850,000 in FY2009. It is assumed that the data collection and evaluation costs would be one-time in nature per language in the bill requiring the activities for the purpose of determining the effectiveness of the program in the first year.

Costs for the type of student and employee consumable workbook materials required under the bill are estimated to range from \$3 - \$10 per workbook. Assuming an average cost of \$6.50 per workbook, the estimated annual cost to affected school districts for the required student and food service workers' workbooks would be approximately \$1.5 million in FY2009 increasing to \$1.6 million by FY2012. Assuming that teacher and instructor guides would be provided at a similar price per copy but would be durable rather than consumable, costs in FY2009 for these materials would be approximately \$100,000 with relatively insignificant costs in each subsequent year to provide new teachers and cafeteria program instructors with guides. It is assumed that costs for student, teacher, and employee materials required under the bill and the family newsletter would be paid by the state through the funding mechanism to be administered by the Department of State Health Services.

**Local Government Impact**

To the extent that affected school districts may not currently be measuring the height and weight of students in grades kindergarten through eight and tracking such measurements, local costs associated with workload to support this activity could be incurred.

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

**LBB Staff:** JOB, CL, UP, JSp

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

April 8, 2007

**TO:** Honorable Tracy King, Chair, House Committee on Border & International Affairs

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

**IN RE: HB3618** by Raymond (Relating to a coordinated health program for school districts located in the border region.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3618, As Introduced: a negative impact of (\$850,000) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	(\$850,000)
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2008	\$0
2009	(\$850,000)
2010	\$0
2011	\$0
2012	\$0

**Fiscal Analysis**

The bill would require the commissioner of education to adopt criteria to ensure that at least one coordinated health program available for schools is designed to prevent and detect obesity and Type 2 diabetes by taking into account the needs of school districts located in border counties. School districts located in a county on the Texas-Mexico border would be required to implement this coordinated health program. The bill would require that each district's program include the distribution of health curriculum teacher's guides for each grade level, health curriculum student workbooks for each student in each grade level, a physical education activity pad, a cafeteria program instructor's guide and food service staff workbooks, and a newsletter for the family of each student in the district. The bill would require bilingual program materials.

The bill would require that participating school districts measure the height and weight of each student

in grades kindergarten through eight at the beginning of the school year and at another appropriate time during implementation of the program. School districts would be required to track the measurements of the student and the progress of the student under the program through a data entry system provided over the Internet.

The bill would require affected districts to report student height, weight, and progress during the first year of program implementation to an entity that would administer the program. The administering entity would be required to evaluate and analyze the reported measurements to determine the effectiveness of the program in the first year.

The bill would take effect immediately upon passage by the necessary voting majorities or September 1, 2007.

### **Methodology**

It is assumed that activities under the bill for FY2008 would primarily consist of actions by the commissioner to ensure that a program meeting the requirements of the bill is adopted and that affected districts are notified of the program's availability and the requirement to implement the program. The first year of program implementation by school districts would be assumed to occur in FY2009.

The Texas Education Agency indicates that approximately sixty-eight public school districts or charter schools are located in counties affected by the bill. The total enrollment in affected districts for the 2005-2007 school year is approximately 569,000 students, with about 382,000 enrolled in grades kindergarten through eight. The districts employ approximately 38,000 teachers at 810 campuses. Data indicate that the same districts employ at least 150 food service workers, however some districts and charter schools may contract for food services. Growth in student, teachers, and food service staff populations is assumed at approximately 2 percent per year.

The bill references an entity administering the program and evaluating program data during the first year of implementation. For the purpose of this fiscal note it is assumed that the data collection and evaluation would be contracted to a third party vendor for an estimated state cost of \$850,000 in FY2009. It is assumed that the data collection and evaluation costs would be one-time in nature per language in the bill requiring the activities for the purpose of determining the effectiveness of the program in the first year.

Costs for student, teacher, and employee materials required under the bill and the family newsletter are assumed to be local costs. If the intent were to provide the materials at state cost, fiscal impact to the state would likely approach \$4.0 million dollars annually.

### **Local Government Impact**

Costs for the type of student and employee consumable workbook materials required under the bill are estimated to range from \$3 - \$10 per workbook. Assuming an average cost of \$6.50 per workbook, the estimated annual cost to affected school districts for the required student and food service workers' workbooks would be approximately \$3.8 million in FY2009 increasing to \$4.0 million by FY2012. Assuming that teacher and instructor guides would be provided at a similar price per copy but would be durable rather than consumable, costs in FY2009 for these materials would be approximately \$250,000 with relatively insignificant costs in each subsequent year to provide new teachers and cafeteria program instructors with guides.

To the extent that affected school districts may not currently be measuring the height and weight of students in grades kindergarten through eight and tracking such measurements, local costs associated with workload to support this activity could be incurred.

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

**LBB Staff:** JOB, CL, UP, JSp