

BILL ANALYSIS

C.S.H.B. 1018
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent reports from public health experts, such as the Trust for America's Health and the Robert Wood Johnson Foundation, suggest that the obesity rates in states across the country may almost double over the next two decades if current trends continue. These same experts report that Texas stands to save tens of millions of dollars by taking proactive measures to reduce the average body mass index of its residents by 5 percent within this same time span. Given current and future costs to the state and the lives of its citizens, legislators have supported various efforts to combat this growing epidemic, such as the establishment of local school health advisory councils in school districts across Texas. These councils develop wellness recommendations and initiatives to help ensure a healthy and active student population. C.S.H.B. 1018 seeks to further encourage these efforts by expanding the duties of school health advisory councils regarding student physical activity and fitness.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1018 amends the Education Code to expand the duties of a school district's local school health advisory council to include recommending, if feasible and for purposes of health education instruction, joint use agreements or strategies for collaboration between the school district and community organizations or agencies. The bill requires the local school health advisory council of each school district to establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and to make policy recommendations to increase physical activity and improve fitness among students. The bill requires that such recommendations be included in the annual written report submitted by the advisory council to the school district's board of trustees. The bill requires any joint use agreement that a school district and community organization or agency enter into based on a recommendation of the local school health advisory council to address liability for the school district and community organization or agency in the agreement.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1018 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 11.253(d), Education Code, is amended to read as follows:

No equivalent provision.

- (d) Each campus improvement plan must:
 - (1) assess the academic achievement for each student in the school using the student achievement indicator system as described by Section 39.053;
 - (2) set the campus performance objectives based on the student achievement indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;
 - (3) identify how the campus goals will be met for each student;
 - (4) determine the resources needed to implement the plan;
 - (5) identify staff needed to implement the plan;
 - (6) set timelines for reaching the goals;
 - (7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;
 - (8) include goals and methods for violence prevention and intervention on campus;
 - (9) include goals to increase physical activity and improve fitness among students;
 - (10) provide for a program to encourage parental involvement at the campus; and
 - (11) [~~(10)~~] if the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:
 - (A) student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;
 - (B) student academic performance data;
 - (C) student attendance rates;
 - (D) the percentage of students who are educationally disadvantaged;
 - (E) the use and success of any method to ensure that students participate in moderate or [~~to~~] vigorous physical activity as required by Section 28.002(1); and
 - (F) any other indicator recommended by the local school health advisory council.

SECTION 2. Section 28.004, Education

SECTION 1. Section 28.004, Education

Code, is amended by adding Subsection (1-1) and amending Subsection (m) to read as follows:

- (1-1) The local school health advisory council shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students.
- (m) In addition to performing other duties, the local school health advisory council shall submit to the board of trustees, at least annually, a written report that includes:
- (1) any council recommendation concerning the school district's health education curriculum and instruction or related matters that the council has not previously submitted to the board;
 - (2) any suggested modification to a council recommendation previously submitted to the board; ~~and~~
 - (3) a detailed explanation of the council's activities during the period between the date

Code, is amended by amending Subsections (c) and (m) and adding Subsections (1-1) and (n) to read as follows:

- (c) The local school health advisory council's duties include recommending:
- (1) the number of hours of instruction to be provided in health education;
 - (2) curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and Type 2 diabetes through coordination of:
 - (A) health education;
 - (B) physical education and physical activity;
 - (C) nutrition services;
 - (D) parental involvement; and
 - (E) instruction to prevent the use of tobacco;
 - (3) appropriate grade levels and methods of instruction for human sexuality instruction; ~~and~~
 - (4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:
 - (A) school health services;
 - (B) counseling and guidance services;
 - (C) a safe and healthy school environment; and
 - (D) school employee wellness; and
 - (5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies.

- (1-1) The local school health advisory council shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students.
- (m) In addition to performing other duties, the local school health advisory council shall submit to the board of trustees, at least annually, a written report that includes:
- (1) any council recommendation concerning the school district's health education curriculum and instruction or related matters that the council has not previously submitted to the board;
 - (2) any suggested modification to a council recommendation previously submitted to the board; ~~and~~
 - (3) a detailed explanation of the council's activities during the period between the date

of the current report and the date of the last prior written report; and
(4) any recommendations made by the physical activity and fitness planning subcommittee.

SECTION 3. This Act takes effect September 1, 2013.

of the current report and the date of the last prior written report; and
(4) any recommendations made by the physical activity and fitness planning subcommittee.

(n) Any joint use agreement that a school district and community organization or agency enter into based on a recommendation of the local school health advisory council under Subsection (c)(5) must address liability for the school district and community organization or agency in the agreement.

SECTION 2. Same as introduced version.