

## **BILL ANALYSIS**

Senate Research Center  
79R9312 SLO-D

S.B. 1115  
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Education  
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### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Healthy eating and regular physical activity help young people improve physical fitness and mental alertness, reduce absenteeism, and avoid developing risk factors that can eventually lead to serious health problems. Failure to address these issues can have far reaching medical and economic implications for the future. As proposed, S.B. 1115 establishes the Recognizing Extraordinary Achievement in Children's Health (REACH) Program, a new program to be administered by the Texas Department of Agriculture (TDA). REACH encourages schools to take specific steps that will improve the health and nutrition environments for their students

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 (Sections 38.105 and 38.109, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 38, Education Code, by adding Subchapter C, as follows:

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

Sec. 38.101. DEFINITIONS. Defines "department" and "program."

Sec. 38.102. PROGRAM. Requires the Department of Agriculture (TDA), as the state agency responsible for administering the United States Department of Agriculture's child nutrition programs, to administer the Recognizing Extraordinary Achievement in Children's Health Program (program). Authorizes TDA to consult with the Texas Education Agency (TEA), 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. Provides that 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. Section 1751 et seq. or the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. Section 1773).

Sec. 38.104. MEASURING HEALTH PERFORMANCE. (a) Requires TDA to measure the health performance of each school that participates in the program by using certain criteria.

(b) Requires TDA, in consultation with school health experts, to determine the minimum health performance score a school must achieve under this section for the school to be eligible for a monetary program award under Section 38.105.

(c) Requires TDA, in determining a school's health performance score under Subsection (b), as provided by department rule, to award additional points to a school that has a high percentage of educationally disadvantaged students.

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

Sec. 38.105. PROGRAM AWARDS. (a) Authorizes TDA, subject to the availability of funding for the program, to provide a school that participates in the program and achieves the minimum health performance score under Section 38.104(b) with a monetary program award.

(b) Requires TDA, by rule, to establish the criteria for determining the amount of money awarded to a school. Establishes certain criteria that must be considered.

(c) Authorizes TDA to provide a nonmonetary award to a school as determined by TDA.

Sec. 38.106. FUNDING. (a) Authorizes TDA to solicit and accept gifts and grants for the benefit of the program.

(b) Requires TDA to administer the program using gifts and grants received under Subsection (a) and funds appropriated to TDA for program purposes.

(c) Authorizes a school to use the monetary program award as determined by the school, but specifies that a school should use a portion of the money to pay for implementing the program or other health improvement programs at the school.

Sec. 38.107. APPLICATIONS. Authorizes an eligible school to apply to TDA to participate in the program. Requires a school, in applying, to provide TDA with certain information. Requires a school, before submitting the application to TDA to present the application for verification and approval to the superintendent of the school district in which the school is located or the superintendent's designee or to any other official determined by TDA.

Sec. 38.108. AGREEMENT. Requires TDA to enter into an agreement with each school that participates in the program before the school receives a monetary program award from TDA. Requires the agreement to contain certain provisions.

Sec. 38.109. RULES. Authorizes TDA to adopt rules as necessary to administer this subchapter.

SECTION 2. Makes application of this Act prospective to the 2005-2006 school year.

SECTION 3. Effective date: upon passage or September 1, 2005.