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RQ-0606-JC

OPINION COMMITTEE

State of Texas
House of Representatives



Pete P. Gallego

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September 12, 2002

The Honorable John Cornyn
Texas Attorney General
P.O. Box 12548
Austin, TX 78711

FILE # MW-42787-02
I.D. # 42787

Dear General Cornyn:

On behalf of Representative Manny Najera of El Paso, I request your legal opinion regarding the interpretation of a portion of Senate Bill 19 (SB 19) from the 77th Legislative Session. SB 19 relates to health education in public schools and the improvement of children's health through the use of a coordinated approach by public schools. SB 19 is partially codified in section 38.013 of the Texas Education Code. Section 38.013 reads as follows:

Sec. 38.013. COORDINATED HEALTH PROGRAM FOR ELEMENTARY SCHOOL STUDENTS. (a) The agency shall make available to each school district a coordinated health program designed to prevent obesity, cardiovascular disease, and Type II diabetes in elementary school students. The program must provide for coordinating: (1) health education; (2) physical education and physical activity; (3) nutrition services; and (4) parental involvement.

Under the above section of the law, the term "program" would seem to be singular and not plural. Does statutory language authorize the Texas Education Agency (TEA) to select a "single" coordinated health program? Or, is the TEA authorized to make "multiple" programs available in elementary schools?

SB 19 was in effect during the 2001 school year. The 2002 school year has begun and this issue remains unresolved. Therefore, your prompt assistance in resolving this issue is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Pete P. Gallego".
Pete P. Gallego

ppg/ml