

BILL ANALYSIS

Senate Research Center

S.B. 530
By: Nelson et al.
Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research has shown that being overweight in childhood often continues into obesity in adulthood. It is essential that healthy habits begin early in life to establish a foundation that will last a lifetime. As obesity rates increase, chronic disease risks also increase. The top three leading causes of death—heart disease, stroke, and cancer—can be linked to obesity.

S.B. 530 strengthens the physical activity requirement for elementary and middle school students and establishes a confidential fitness assessment as a tool to gauge fitness levels.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Education (SBOE) is rescinded in SECTION 1 (Section 28.002, Education Code) of this bill.

Rulemaking authority previously granted to SBOE is transferred to the commissioner of education in SECTION 1 (Section 28.002, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Sections 38.102 and 38.106, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 28.002(1) and (1-1), Education Code, as follows:

(1) Requires a school district to require students enrolled in kindergarten through grade five, rather than eight, to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum. Requires a school district to require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. Authorizes the school district to alternatively require a student in any particular grade level below grade six, to participate in moderate or vigorous physical activity for at least 135 minutes during each school week if the district determines that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors. Authorizes a school district as an alternative to require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. Requires a school district to provide an exemption for a student under certain circumstances. Deletes existing text granting rulemaking authority to the State Board of Education (SBOE). Deletes existing text requiring SBOE by rule to ensure that middle and junior high school students are allowed to meet certain physical activity requirements.

(1-1) Authorizes the commissioner of education (commissioner), rather than SBOE, to permit an exemption for a student who participates in certain activities if the student provides proof of participation in rules adopted relating to physical activity requirements.

SECTION 2. Amends Section 28.004, Education Code, by amending Subsection (k) and adding Subsection (l), as follows:

(k) Requires a school district to publish certain statements in the student handbook and on the district's Internet website if the district has an Internet website including a statement related to parental access to their child's physical fitness assessment results.

(l) Requires the local school health advisory council (council) to consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. Requires the council to consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. Requires the council to ensure that local community values are reflected in any policy recommendation made to the district under this subsection.

SECTION 3. Amends Chapter 38, Education Code, by adding Subchapter C, as follows:

SUBCHAPTER C. PHYSICAL FITNESS ASSESSMENT

Sec. 38.101. ASSESSMENT REQUIRED. (a) Requires a school district to annually assess the physical fitness of students enrolled in grades three through 12, except as provided by Subsection (b).

(b) Provides that a school district is not required to assess a student for whom, as a result of disability or other condition identified by commissioner rule, the assessment instrument adopted under Section 38.102 is inappropriate.

Sec. 38.102. ADOPTION OF ASSESSMENT INSTRUMENT. Requires the commissioner by rule to adopt an assessment instrument to be used by a school district in assessing student physical fitness under this subchapter. Sets forth the criteria required of the assessment instrument.

Sec. 38.103. REPORTING OF SUMMARY RESULTS. Requires a school district to compile the results of the physical fitness assessment required by this subchapter and to provide summary results, aggregated by grade level and any other appropriate category identified by commissioner rule, to the Texas Education Agency (TEA). Prohibits the summary results from containing the names of individual students or teachers. Provides that individual results of student performance on the assessment instrument are confidential and are authorized to be released only in accordance with state and federal law.

Sec. 38.104. ANALYSIS OF RESULTS. (a) Requires TEA to analyze the results received under this subchapter to determine, for each school district, whether any correlation exists between the results and student academic achievement, attendance, obesity, disciplinary problems, and school meal programs.

(b) Authorizes TEA to contract with a public or private entity that will conduct all or part of the analysis required by Subsection (a).

(c) Requires TEA to report the findings of the analysis under this section of the results obtained during the preceding school year to the School Health Advisory Committee (committee) established under Section 1001.0711, Health and Safety Code, not later than September 1 of each year. Provides that the committee will use the reported results to assess the effectiveness of school districts' coordinated health programs and to develop recommendations for modifications to coordinated health program requirements or related curriculum.

Sec. 38.105. DONATIONS. Authorizes TEA and each school district to accept donations to facilitate implementation of this subchapter.

Sec. 38.106. RULES. Requires the commissioner to adopt rules necessary to implement this subchapter.

SECTION 4. Requires TEA, not later than September 1, 2008 and in consultation with the committee established under Section 1001.0711, Health and Safety Code, to provide a report to the legislature that details options and recommendations for providing moderate or vigorous daily physical activity for students for at least 30 minutes outside the seven-hour instructional day. Requires the options and recommendations to be developed with consideration for the needs of students who are enrolled in multiple enrichment curriculum courses.

SECTION 5. Requires the commissioner to adopt the physical fitness assessment instrument required under Subchapter C, Chapter 38, Education Code, as added by this Act, and rules necessary to implement that subchapter not later than the date that enables the instrument to be used by school districts during the 2007-2008 school year.

SECTION 6. Makes application of Section 38.014, Education Code, notwithstanding Section 11, Chapter 784 (relating to health education, physical activity, and food products in public primary and secondary schools), Acts of the 79th Legislature, Regular Session, 2005, prospective to the 2007-2008 school year.

SECTION 7. Provides that Section 28.002(1), Education Code, as amended by this Act, applies to students enrolled in kindergarten or a grade level below grade six beginning with the 2007-2008 school year and to students enrolled in grade levels six through eight beginning with the 2008-2009 school year.

SECTION 8. Makes application of this Act, except as otherwise provided by this Act, prospective to the 2007-2008 school year. Requires this Act to apply to junior high or middle schools only upon adoption of a Coordinated School Health program for these grades by TEA.

SECTION 9. Effective date: upon passage or September 1, 2007.