

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**May 23, 2007**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

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

**IN RE: SB530** by Nelson (Relating to physical activity requirements and physical fitness assessment for certain public school students. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would affect the operations of the Texas Education Agency but anticipated costs would not rise to significant levels; average operating costs of \$130,000 would be anticipated. Costs would be incurred mainly in association with the requirements for collection of aggregated physical fitness assessment data and analysis to correlate the data to academic achievement, attendance, obesity, disciplinary problems, and school meal programs.

The bill would also direct the Agency to provide a report to the legislature by September 1, 2008 that includes recommendations for providing 30 minutes of moderate or vigorous daily physical activity outside the instructional day with consideration given to the needs of students enrolled in multiple enrichment curriculum courses.

This bill would amend Subchapter A, Chapter 38, Education Code, by adding Section 38.021 to require school districts to provide written notice to the parent or person(s) standing in parental relation to each student when a school does not have a full-time school nurse assigned to the campus for more than 30 consecutive instructional days.

The principal would be required to provide the notice no later than the 30th instructional day after the first day the campus does not have a full-time nurse assigned. The school would be required to make a good faith effort to provide a bilingual notice to parents whose primary language is not English and to retain a copy of the notice.

**Local Government Impact**

The Texas Education Agency assumes that physical assessments for students in grades three through eight can be conducted as part of already designated physical education classes or extracurricular activities. Assessments for high school students who are enrolled in a physical education class or extracurricular activity would be expected to be conducted in like manner.

School districts could experience varying levels of additional workload and associated cost with annual assessments of high school students who are not enrolled in physical education class or extracurricular activity. School districts would be anticipated to experience additional cost associated with the collection, summarization and submission of annual physical assessment data. Costs associated with these activities would vary depending upon local practice and the availability of automated processes for data reporting and aggregation.

It is assumed that under circumstances requiring notification to parents concerning school nurse assignments, notice would be sent home with students to defray the cost of notification the greatest extent possible. Depending upon the circumstances of individual campuses required to provide notice under the bill's provisions, there could be significant variation in the costs incurred to produce the notice. For example, higher costs would be anticipated for campuses where the requirement to

provide bilingual notices might result in a notice being prepared in several different languages to accommodate the primary languages of parents. The Texas Education Agency indicates that approximately 143 separate languages have been reported as the primary language of Texas public school students whose primary language is not English. Although variation in expenses associated with notification would be expected among affected campuses, costs to produce the notice would not be anticipated to be significant on a statewide basis.

**Source Agencies:** 701 Central Education Agency

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