

## **BILL ANALYSIS**

Senate Research Center  
81R7158 CAS-D

S.B. 891  
By: Nelson  
Education  
3/25/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas has the sixth-highest percentage of obese and overweight children ages 10-17 in the country, and 40 percent of Texas children are overweight or obese, compared to the national average of 16 percent. Current statute requires that school curriculum include physical education but does not include a specific definition of physical education. This bill creates a consistent standard of physical education curriculum across the state and ensures that physical education curricula are sequential and built upon from one year to the next.

As proposed, S.B. 891 creates a standard definition of physical education used by the National Association of State Boards of Education that will apply to all public school physical education curricula, and addresses student-to-teacher ratios in physical education classes.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.002, Education Code, by adding Subsection (d), as follows:

(d) Requires that the physical education curriculum required under Subsection (a)(2)(C) (relating to the requirement that schools offering K-12 education have a physical education program) be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Requires each school district to establish specific objectives and goals the district intends to accomplish through the physical education curriculum. Requires the State Board of Education (SBOE), in identifying the essential knowledge and skills of physical education, to ensure that the curriculum:

- (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
- (2) is consistent with national physical education standards for the information that students should learn about physical activity and the physical activities that students should be able to perform;
- (3) requires that, on a weekly basis, at least 50 percent of the time during physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate level;
- (4) offers students an opportunity to choose among many types of physical activity in which to participate;
- (5) offers students both cooperative and competitive games;
- (6) meets the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes the student from participating in regular physical education instruction but who

might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;

(7) takes into account the affect [*sic*] that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;

(8) teaches self-management and movement skills;

(9) teaches cooperation, fair play, and responsible participation in physical activity;

(10) promotes student participation in physical activity outside of school; and

(11) allows physical education classes to be an enjoyable experience for students.

SECTION 2. Amends Subchapter D, Chapter 25, Education Code, by adding Section 25.114, as follows:

Sec. 25.114. STUDENT/TEACHER RATIOS IN PHYSICAL EDUCATION CLASSES. Requires SBOE, in prescribing the curriculum for physical education under Section 28.002(a)(2)(C), to require that physical education classes have, to the extent practicable, student/teacher ratios that are compatible to the ratios in other areas of the curriculum.

SECTION 3. Effective date: upon passage or September 1, 2009.