By: Davis of Harris

H.B. No. 1855

A BILL TO BE ENTITLED

AN ACT

2 relating to physical activity requirements for students in public 3 schools.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 28.002(1), Education Code, is amended to 6 read as follows:

(1) A school district shall require a student enrolled in 7 kindergarten or a grade level below grade six to participate in 8 moderate or vigorous daily physical activity for at least 30 9 minutes throughout the school year as part of the district's 10 physical education curriculum or through structured activity 11 12 during a school campus's daily recess. A school district shall require <u>a student</u> [students] enrolled in grade <u>level</u> [levels] six, 13 seven, or [and] eight to participate in moderate or vigorous daily 14 physical activity for at least 30 minutes throughout the school 15 16 year [for at least four semesters during those grade levels] as part of the district's physical education curriculum. If a school 17 district determines, for any particular grade level below grade 18 six, that requiring moderate or vigorous daily physical activity is 19 impractical due to scheduling concerns or other factors, the 20 21 district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at 22 23 least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade 24

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1 level for which the district uses block scheduling to participate 2 in moderate or vigorous physical activity for at least 225 minutes 3 during each period of two school weeks. A school district must 4 provide for an exemption for:

5 (1) any student who is unable to participate in the 6 required physical activity because of illness or disability; and

7 (2) a middle school or junior high school student who 8 participates in an extracurricular activity with a moderate or 9 vigorous physical activity component that is considered a 10 structured activity under rules adopted by the commissioner.

SECTION 2. This Act applies beginning with the 2009-2010 school year.

13 SECTION 3. This Act takes effect immediately if it receives 14 a vote of two-thirds of all the members elected to each house, as 15 provided by Section 39, Article III, Texas Constitution. If this 16 Act does not receive the vote necessary for immediate effect, this 17 Act takes effect September 1, 2009.

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