

By: Alvarado

H.B. No. 1877

A BILL TO BE ENTITLED

AN ACT

1
2 relating to physical activity requirements for students enrolled in
3 public school prekindergarten programs.

4 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:

7 (1) A school district shall require a student enrolled in
8 full-day prekindergarten, in kindergarten, or in a grade level
9 below grade six to participate in moderate or vigorous daily
10 physical activity for at least 30 minutes throughout the school
11 year as part of the district's physical education curriculum or
12 through structured activity during a school campus's daily recess.

13 To the extent practicable, a school district shall require a
14 student enrolled in prekindergarten on less than a full-day basis
15 to participate in the same type and amount of physical activity as a
16 student enrolled in full-day prekindergarten. A school district

17 shall require students enrolled in grade levels six, seven, and
18 eight to participate in moderate or vigorous daily physical
19 activity for at least 30 minutes for at least four semesters during
20 those grade levels as part of the district's physical education
21 curriculum. If a school district determines, for any particular
22 grade level below grade six, that requiring moderate or vigorous
23 daily physical activity is impractical due to scheduling concerns
24 or other factors, the district may as an alternative require a

1 student in that grade level to participate in moderate or vigorous
2 physical activity for at least 135 minutes during each school week.
3 Additionally, a school district may as an alternative require a
4 student enrolled in a grade level for which the district uses block
5 scheduling to participate in moderate or vigorous physical activity
6 for at least 225 minutes during each period of two school weeks. A
7 school district must provide for an exemption for:

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

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

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

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