

By: Olivo

H.B. No. 2311

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring school districts to report compliance with
3 physical activity requirements.

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

5 SECTION 1. Section 28.002, Education Code, is amended by
6 amending Subsection (1) and adding Subsection (1-4) to read as
7 follows:

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

1 student enrolled in a grade level for which the district uses block
2 scheduling to participate in moderate or vigorous physical activity
3 for at least 225 minutes during each period of two school weeks. A
4 school campus may not fulfill the requirements of this subsection
5 with unstructured activity or recess. A school district must
6 provide for an exemption for:

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

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

13 (1-4) Not later than the 30th day before the first day of
14 instruction of the school year, each elementary and middle school
15 campus in a school district shall submit to the district the daily
16 or weekly schedule of moderate or vigorous physical activity to be
17 used by that campus during that school year. Not later than the
18 60th day after the first day of instruction of the school year, each
19 district shall review the schedules for compliance with Subsection
20 (1) and submit a report to the agency listing which campuses of the
21 district are in compliance and which campuses of the district are
22 not in compliance.

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

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.