

By: Olivo

H.B. No. 4672

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reports of a public school student's physical fitness
3 assessment results to the student's parent and efforts to improve
4 the physical fitness of public school students.

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

6 SECTION 1. Section 28.004(k), Education Code, is amended to
7 read as follows:

8 (k) A school district shall publish in the student handbook
9 and post on the district's Internet website, if the district has an
10 Internet website:

11 (1) a statement of the policies adopted to ensure that
12 elementary school, middle school, and junior high school students
13 engage in at least the amount and level of physical activity
14 required by Section 28.002(1);

15 (2) a statement of:

16 (A) the number of times during the preceding year
17 the district's local school health advisory council has met;

18 (B) whether the district has adopted and enforces
19 policies to ensure that district campuses comply with agency
20 vending machine and food service guidelines for restricting student
21 access to vending machines; and

22 (C) whether the district has adopted and enforces
23 policies and procedures that prescribe penalties for the use of
24 tobacco products by students and others on school campuses or at

1 school-sponsored or school-related activities; and

2 (3) a statement providing notice to parents, including
3 guardians and other persons standing in parental relation, that the
4 district is required to provide to them a written copy of [~~they can~~
5 ~~request in writing~~] their child's physical fitness assessment
6 results at the end of the school year if the child does not achieve
7 satisfactory results on the assessment.

8 SECTION 2. Subchapter C, Chapter 38, Education Code, is
9 amended by adding Section 38.1031 to read as follows:

10 Sec. 38.1031. REPORTING OF INDIVIDUAL RESULTS. (a) In this
11 section, "parent" includes a guardian or other person standing in
12 parental relation.

13 (b) At the end of each school year, a school district shall
14 provide a written copy of a student's physical fitness assessment
15 results to the student's parent if the student did not achieve
16 satisfactory results on one or more factors specified under Section
17 38.102(b)(1).

18 SECTION 3. Section 38.104, Education Code, is amended by
19 amending Subsections (a) and (c) and adding Subsection (d) to read
20 as follows:

21 (a) The agency shall analyze the results received by the
22 agency under this subchapter and identify, for each school
23 district, any correlation between the results and the following:

- 24 (1) student academic achievement levels;
25 (2) student attendance levels;
26 (3) student obesity;
27 (4) student body composition;

1 (5) student disciplinary problems; and

2 (6) [~~(5)~~] school meal programs.

3 (c) Not later than September 1 of each year, the agency
4 shall report the findings of the analysis under this section of the
5 results obtained during the preceding school year to:

6 (1) the School Health Advisory Committee established
7 under Section 1001.0711, Health and Safety Code, for use by the
8 committee in:

9 (A) [~~(1)~~] assessing the effectiveness of
10 coordinated health programs provided by school districts in
11 accordance with Section 38.014; and

12 (B) [~~(2)~~] developing recommendations for
13 modifications to coordinated health program requirements or
14 related curriculum; and

15 (2) the Interagency Obesity Council established under
16 Chapter 114, Health and Safety Code.

17 (d) The School Health Advisory Committee, in consultation
18 with the Interagency Obesity Council, shall:

19 (1) based on the information reported under Subsection
20 (c), identify school districts in which there may be high rates of
21 obese or overweight students; and

22 (2) encourage those districts to expand existing or
23 implement new school-based nutrition and physical activity
24 programs designed to reduce those rates.

25 SECTION 4. This Act applies beginning with the 2009-2010
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.