

By: Nelson

S.B. No. 890

A BILL TO BE ENTITLED

AN ACT

1
2 relating to physical activity requirements for students in public
3 schools.

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

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.

11 SECTION 2. This Act applies beginning with the 2009-2010
12 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.