

By: Sheffield

H.B. No. 2704

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a parent's right to object to physical fitness  
3 assessment of the parent's child by a school district.

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

5 SECTION 1. Section 38.101, Education Code, is amended by  
6 amending Subsection (a) and adding Subsection (c) to read as  
7 follows:

8 (a) Except as provided by Subsection (b) or (c), a school  
9 district annually shall assess the physical fitness of students  
10 enrolled in grades 3 through 12.

11 (c) A school district may not assess a student if the  
12 student's parent notifies the district in writing that the parent  
13 objects to the assessment. A school district shall inform parents  
14 of the right to object under this subsection and provide parents  
15 with a reasonable opportunity to notify the district of an  
16 objection. In this subsection, "parent" includes a person standing  
17 in parental relation.

18 SECTION 2. This Act applies beginning with the 2011-2012  
19 school year.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2011.