

By: Martinez Fischer

H.B. No. 3681

A BILL TO BE ENTITLED

1 AN ACT
2 relating to assessments of physical fitness of public school
3 students and campus ratings based on that assessment.

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

5 SECTION 1. The heading to Section 38.103, Education Code,
6 is amended to read as follows:

7 Sec. 38.103. REPORTING OF [~~SUMMARY~~] RESULTS.

8 SECTION 2. Section 38.103, Education Code, is amended by
9 amending Subsection (a) and adding Subsections (c) and (d) to read
10 as follows:

11 (a) A school district shall compile the results of the
12 physical fitness assessment required by this subchapter and provide
13 summary results, aggregated by campus, grade level, and any other
14 appropriate category identified by commissioner rule, to the
15 agency. The summary results may not contain the names of
16 individual students or teachers.

17 (c) The commissioner by rule shall require a school district
18 to provide the results of individual student performance on the
19 physical fitness assessment instrument to the agency. The results
20 may not contain a student's:

21 (1) name;

22 (2) social security number; or

23 (3) date of birth.

24 (d) A parent may obtain the results of the physical fitness

1 assessment of the parent's child as provided by Section
2 28.004(k)(3).

3 SECTION 3. The heading to Section 38.104, Education Code,
4 is amended to read as follows:

5 Sec. 38.104. ANALYSIS OF RESULTS; RATING.

6 SECTION 4. Sections 38.104(a) and (c), Education Code, are
7 amended to read as follows:

8 (a) The agency shall analyze the results received by the
9 agency under this subchapter and identify, for each school district
10 and campus, any correlation between the results and the following:

- 11 (1) student academic achievement levels;
- 12 (2) student attendance levels;
- 13 (3) student obesity;
- 14 (4) student disciplinary problems; and
- 15 (5) school meal programs.

16 (c) Not later than September 1 of each year, the agency
17 shall:

18 (1) report the findings of the analysis under this
19 section of the results obtained during the preceding school year to
20 the School Health Advisory Committee established under Section
21 1001.0711, Health and Safety Code, for use by the committee in:

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

25 (B) [~~(2)~~] developing recommendations for
26 modifications to coordinated health program requirements or
27 related curriculum; and

1 (2) assign each campus a rating based on annual
2 progress in improving student physical fitness.

3 SECTION 5. Sections 39.305(b) and (c), Education Code, are
4 amended to read as follows:

5 (b) The report card shall include the following
6 information:

7 (1) where applicable, the student achievement
8 indicators described by Section 39.053(c) and the reporting
9 indicators described by Sections 39.301(c)(1) through (5);

10 (2) average class size by grade level and subject;

11 (3) the administrative and instructional costs per
12 student, computed in a manner consistent with Section 44.0071;
13 ~~[and]~~

14 (4) the district's instructional expenditures ratio
15 and instructional employees ratio computed under Section 44.0071,
16 and the statewide average of those ratios, as determined by the
17 commissioner; and

18 (5) the physical fitness rating assigned under Section
19 38.104(c)(2).

20 (c) The commissioner shall adopt rules requiring
21 dissemination of the information required under Subsections
22 ~~[Subsection]~~ (b)(4) and (5) and appropriate class size and student
23 performance portions of campus report cards annually to the parent,
24 guardian, conservator, or other person having lawful control of
25 each student at the campus. On written request, the school
26 district shall provide a copy of a campus report card to any other
27 party.

1 SECTION 6. The Texas Education Agency shall assign each
2 campus its initial rating under Section 38.104(c)(2), Education
3 Code, as added by this Act, not later than September 1, 2013, based
4 on progress achieved between the 2011-2012 and 2012-2013 school
5 years. Ratings shall be included in the campus report card under
6 Section 39.305, Education Code, as amended by this Act, beginning
7 with the first campus report cards prepared after initial ratings
8 are assigned.

9 SECTION 7. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.