

By: Martinez Fischer

H.B. No. 3682

A BILL TO BE ENTITLED

AN ACT

relating to physical activity requirements applicable to public school students.

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

SECTION 1. Section 28.002(1), Education Code, is amended to read as follows:

(1) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten. A school district shall require a student [~~students~~] enrolled in grade level [~~levels~~] six, seven, or [~~and~~] eight to participate in moderate or vigorous daily physical activity for at least 45 [~~30~~] minutes throughout the school year [~~for at least four semesters during those grade levels~~] as part of the district's physical education curriculum. A school district shall require students enrolled in grade levels 9, 10, 11, and 12 to participate in moderate or vigorous daily physical activity for at least 45 minutes for at least two semesters during

1 those grade levels as part of the district's physical education
2 curriculum. If a school district determines, for any particular
3 grade level below grade six, that requiring moderate or vigorous
4 daily physical activity is impractical due to scheduling concerns
5 or other factors, the district may as an alternative require a
6 student in that grade level to participate in moderate or vigorous
7 physical activity for at least 150 [~~135~~] minutes during each school
8 week. Additionally, a school district may as an alternative
9 require a student enrolled in a grade level for which the district
10 uses block scheduling to participate in moderate or vigorous
11 physical activity for at least 300 [~~225~~] minutes during each period
12 of two school weeks for a grade level below grade level six and at
13 least 450 minutes during each period of two school weeks for grade
14 level six or above. A school district must provide for an exemption
15 for:

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

18 (2) a middle school, ~~or~~ junior high school, or high
19 school student who participates in an extracurricular activity with
20 a moderate or vigorous physical activity component that is
21 considered a structured activity under rules adopted by the
22 commissioner.

23 SECTION 2. Section 28.004(k), Education Code, is amended to
24 read as follows:

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

1 (1) a statement of the policies adopted to ensure that
2 [~~elementary school, middle school, and junior high school~~] students
3 engage in at least the amount and level of physical activity
4 required by Section 28.002(1);

5 (2) a statement of:

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

8 (B) whether the district has adopted and enforces
9 policies to ensure that district campuses comply with agency
10 vending machine and food service guidelines for restricting student
11 access to vending machines; and

12 (C) whether the district has adopted and enforces
13 policies and procedures that prescribe penalties for the use of
14 tobacco products by students and others on school campuses or at
15 school-sponsored or school-related activities; and

16 (3) a statement providing notice to parents that they
17 can request in writing their child's physical fitness assessment
18 results at the end of the school year.

19 SECTION 3. This Act applies beginning with the 2011-2012
20 school year.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2011.