

By: Deuell
(Phillips)

S.B. No. 684

A BILL TO BE ENTITLED

AN ACT

relating to a physical assessment of students by a public school.

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

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

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

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

(2) a statement of:

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

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

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

(3) a statement providing notice to parents that they

1 can request in writing their child's physical fitness assessment
2 results at the end of any [the] school year in which their child is
3 assessed under Subchapter C, Chapter 38.

4 SECTION 2. Subsection (a), Section 38.101, Education Code,
5 is amended to read as follows:

6 (a) Except as provided by Subsection (b), a school district
7 [~~annually~~] shall assess the physical fitness of the following
8 students [~~enrolled in grade three or higher~~] in a course that
9 satisfies the curriculum requirements for physical education under
10 Section 28.002(a)(2)(C):

- 11 (1) students enrolled in grades three and five;
12 (2) students enrolled in grade six, seven, or eight,
13 with the grade level assessed to be determined by the district; and
14 (3) students enrolled in grade 9, 10, 11, or 12, with
15 the grade level assessed to be determined by the district.

16 SECTION 3. This Act applies beginning with the 2013-2014
17 school year.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2013.