

By: Deuell

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. Section 28.004(k), 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) if the district administers a physical fitness

1 assessment under Subchapter C, Chapter 38, a statement providing
2 notice to parents that they can request in writing their child's
3 physical fitness assessment results at the end of the school year.

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

6 Sec. 38.101. ASSESSMENT AUTHORIZED [~~REQUIRED~~]. (a) A
7 [~~Except as provided by Subsection (b), a~~] school district may
8 annually [~~shall~~] assess the physical fitness of students enrolled
9 in grade three or higher in a course that satisfies the curriculum
10 requirements for physical education under Section 28.002(a)(2)(C).

11 (b) If a school district assesses the physical fitness of
12 students as authorized under Subsection (a), the [~~A school~~]
13 district is not required to assess a student for whom, as a result
14 of disability or other condition identified by commissioner rule,
15 the assessment instrument adopted under Section 38.102 is
16 inappropriate.

17 SECTION 3. Section 38.103(a), Education Code, is amended to
18 read as follows:

19 (a) If a school district assesses the physical fitness of
20 students under this subchapter, the [~~A school~~] district shall
21 provide the results of individual student performance on the
22 physical fitness assessment [~~required by this subchapter~~] to the
23 agency. The results may not contain the names of individual
24 students or teachers or a student's social security number or date
25 of birth.

26 SECTION 4. This Act applies beginning with the 2013-2014
27 school year.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.