

1-1 By: Gonzales, et al. (Senate Sponsor - Watson) H.B. No. 440
 1-2 (In the Senate - Received from the House April 13, 2015;
 1-3 April 30, 2015, read first time and referred to Committee on
 1-4 Education; May 11, 2015, reported favorably by the following vote:
 1-5 Yeas 6, Nays 0; May 11, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15			X	
1-16			X	
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to adapting the public school physical education
 1-22 curriculum to accommodate the needs of students with mental
 1-23 disabilities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 28.002(d), Education Code, is amended to
 1-26 read as follows:

1-27 (d) The physical education curriculum required under
 1-28 Subsection (a)(2)(C) must be sequential, developmentally
 1-29 appropriate, and designed, implemented, and evaluated to enable
 1-30 students to develop the motor, self-management, and other skills,
 1-31 knowledge, attitudes, and confidence necessary to participate in
 1-32 physical activity throughout life. Each school district shall
 1-33 establish specific objectives and goals the district intends to
 1-34 accomplish through the physical education curriculum. In
 1-35 identifying the essential knowledge and skills of physical
 1-36 education, the State Board of Education shall ensure that the
 1-37 curriculum:

1-38 (1) emphasizes the knowledge and skills capable of
 1-39 being used during a lifetime of regular physical activity;

1-40 (2) is consistent with national physical education
 1-41 standards for:

1-42 (A) the information that students should learn
 1-43 about physical activity; and

1-44 (B) the physical activities that students should
 1-45 be able to perform;

1-46 (3) requires that, on a weekly basis, at least 50
 1-47 percent of the physical education class be used for actual student
 1-48 physical activity and that the activity be, to the extent
 1-49 practicable, at a moderate or vigorous level;

1-50 (4) offers students an opportunity to choose among
 1-51 many types of physical activity in which to participate;

1-52 (5) offers students both cooperative and competitive
 1-53 games;

1-54 (6) meets the needs of students of all physical
 1-55 ability levels, including students who have a [~~disability~~] chronic
 1-56 health problem, disability, including a student who is a person
 1-57 with a disability described under Section 29.003(b) or criteria
 1-58 developed by the agency in accordance with that section, or other
 1-59 special need that precludes the student from participating in
 1-60 regular physical education instruction but who might be able to
 1-61 participate in physical education that is suitably adapted and, if

2-1 applicable, included in the student's individualized education
2-2 program;
2-3 (7) takes into account the effect that gender and
2-4 cultural differences might have on the degree of student interest
2-5 in physical activity or on the types of physical activity in which a
2-6 student is interested;
2-7 (8) teaches self-management and movement skills;
2-8 (9) teaches cooperation, fair play, and responsible
2-9 participation in physical activity;
2-10 (10) promotes student participation in physical
2-11 activity outside of school; and
2-12 (11) allows physical education classes to be an
2-13 enjoyable experience for students.
2-14 SECTION 2. This Act applies beginning with the 2015-2016
2-15 school year.
2-16 SECTION 3. This Act takes effect immediately if it receives
2-17 a vote of two-thirds of all the members elected to each house, as
2-18 provided by Section 39, Article III, Texas Constitution. If this
2-19 Act does not receive the vote necessary for immediate effect, this
2-20 Act takes effect September 1, 2015.

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