

By: Hall

S.B. No. 1068

A BILL TO BE ENTITLED

AN ACT

relating to physical fitness assessment of public school students.

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 e-cigarettes, as defined by Section 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities; and

1 (3) a statement providing notice to parents that they
2 can request in writing their child's physical fitness assessment
3 results at the end of the school year if assessment was requested
4 under Section 38.101.

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

7 Sec. 38.101. REQUEST FOR ASSESSMENT [REQUIRED]. At the
8 request of the student's parent or a person standing in parental
9 relation to the student [~~(a) Except as provided by Subsection (b)],~~
10 a school district annually shall assess the physical fitness of a
11 student [~~students~~] enrolled in grade three or higher in a course
12 that satisfies the curriculum requirements for physical education
13 under Section 28.002(a)(2)(C).

14 ~~[(b) A school district is not required to assess a student~~
15 ~~for whom, as a result of disability or other condition identified by~~
16 ~~commissioner rule, the assessment instrument adopted under Section~~
17 ~~38.102 is inappropriate.]~~

18 SECTION 3. This Act applies beginning with the 2017-2018
19 school year.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.