

BILL ANALYSIS

Senate Research Center

S.B. 891
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Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has the sixth-highest percentage of obese and overweight children ages 10-17 in the country, and 40 percent of Texas children are overweight or obese, compared to the national average of 16 percent. Current statute requires that school curriculum include physical education but does not include a specific definition of physical education. This bill creates a consistent standard of physical education curriculum across the state and ensures that physical education curricula are sequential and built upon from one year to the next.

S.B. 891 creates a standard definition of physical education used by the National Association of State Boards of Education that will apply to all public school physical education curricula, and addresses student-to-teacher ratios in physical education classes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.002, Education Code, by adding Subsection (d) and amending Subsection (l) , as follows:

(d) Requires that the physical education curriculum required under Subsection (a)(2)(C) (relating to the requirement that schools offering K-12 education have a physical education program) be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Requires each school district to establish specific objectives and goals the district intends to accomplish through the physical education curriculum. Requires the State Board of Education (SBOE), in identifying the essential knowledge and skills of physical education, to ensure that the curriculum:

- (1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;
- (2) is consistent with national physical education standards for the information that students should learn about physical activity and the physical activities that students should be able to perform;
- (3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;
- (4) offers students an opportunity to choose among many types of physical activity in which to participate;
- (5) offers students both cooperative and competitive games;
- (6) meets the needs of students of all physical ability levels, including students who have a disability, chronic health problem, or other special need that precludes

the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;

(7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;

(8) teaches self-management and movement skills;

(9) teaches cooperation, fair play, and responsible participation in physical activity;

(10) promotes student participation in physical activity outside of school; and

(11) allows physical education classes to be an enjoyable experience for students.

(l) Requires a school district to 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. Requires a school district, to the extent practicable, to 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.

SECTION 2. Amends Subchapter D, Chapter 25, Education Code, by adding Section 25.114, as follows:

Sec. 25.114. STUDENT/TEACHER RATIOS IN PHYSICAL EDUCATION CLASSES; CLASS SIZE. (a) Requires each school district, in implementing the curriculum for physical education under Section 28.002(a)(2)(C), to establish specific objectives and goals the district intends to accomplish through the curriculum, including, to the extent practicable, student/teacher ratios that are small enough to enable the district to carry out the purposes of and requirements for the physical education curriculum as provided under Section 28.002(d), and ensure the safety of students participating in physical education.

(b) Requires the district, if a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, to specifically identify the manner in which the safety of the students will be maintained.

SECTION 3. Provides that Section 28.002(1), Education Code, applies beginning with the 2009-2010 school year.

SECTION 4. Effective date: upon passage or September 1, 2009.