

Chapter 773

AN ACT

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relating to the public school physical education curriculum.

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

SECTION 1. Section 28.002, Education Code, is amended by adding Subsection (d) and amending Subsection (1) to read as follows:

(d) The physical education curriculum required under Subsection (a)(2)(C) must 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. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall 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:

(A) the information that students should learn about physical activity; and

(B) the physical activities that students should

1 be able to perform;

2 (3) requires that, on a weekly basis, at least 50  
3 percent of the physical education class be used for actual student  
4 physical activity and that the activity be, to the extent  
5 practicable, at a moderate or vigorous level;

6 (4) offers students an opportunity to choose among  
7 many types of physical activity in which to participate;

8 (5) offers students both cooperative and competitive  
9 games;

10 (6) meets the needs of students of all physical  
11 ability levels, including students who have a disability, chronic  
12 health problem, or other special need that precludes the student  
13 from participating in regular physical education instruction but  
14 who might be able to participate in physical education that is  
15 suitably adapted and, if applicable, included in the student's  
16 individualized education program;

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

21 (8) teaches self-management and movement skills;

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

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

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

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1           (1) A school district shall require a student enrolled in  
2 full-day prekindergarten, in kindergarten, or in a grade level  
3 below grade six to participate in moderate or vigorous daily  
4 physical activity for at least 30 minutes throughout the school  
5 year as part of the district's physical education curriculum or  
6 through structured activity during a school campus's daily recess.  
7 To the extent practicable, a school district shall require a  
8 student enrolled in prekindergarten on less than a full-day basis  
9 to participate in the same type and amount of physical activity as a  
10 student enrolled in full-day prekindergarten. A school district  
11 shall require students enrolled in grade levels six, seven, and  
12 eight to participate in moderate or vigorous daily physical  
13 activity for at least 30 minutes for at least four semesters during  
14 those grade levels as part of the district's physical education  
15 curriculum. If a school district determines, for any particular  
16 grade level below grade six, that requiring moderate or vigorous  
17 daily physical activity is impractical due to scheduling concerns  
18 or other factors, the district may as an alternative require a  
19 student in that grade level to participate in moderate or vigorous  
20 physical activity for at least 135 minutes during each school week.  
21 Additionally, a school district may as an alternative require a  
22 student enrolled in a grade level for which the district uses block  
23 scheduling to participate in moderate or vigorous physical activity  
24 for at least 225 minutes during each period of two school weeks. A  
25 school district must provide for an exemption for:

- 26           (1) any student who is unable to participate in the
- 27 required physical activity because of illness or disability; and

1           (2) a middle school or junior high school student who  
2 participates in an extracurricular activity with a moderate or  
3 vigorous physical activity component that is considered a  
4 structured activity under rules adopted by the commissioner.

5           SECTION 2. Subchapter D, Chapter 25, Education Code, is  
6 amended by adding Section 25.114 to read as follows:

7           Sec. 25.114. STUDENT/TEACHER RATIOS IN PHYSICAL EDUCATION  
8 CLASSES; CLASS SIZE. (a) In implementing the curriculum for  
9 physical education under Section 28.002(a)(2)(C), each school  
10 district shall establish specific objectives and goals the district  
11 intends to accomplish through the curriculum, including, to the  
12 extent practicable, student/teacher ratios that are small enough to  
13 enable the district to:

14           (1) carry out the purposes of and requirements for the  
15 physical education curriculum as provided under Section 28.002(d);  
16 and

17           (2) ensure the safety of students participating in  
18 physical education.

19           (b) If a district establishes a student to teacher ratio  
20 greater than 45 to 1 in a physical education class, the district  
21 shall specifically identify the manner in which the safety of the  
22 students will be maintained.

23           SECTION 3. Subsection (1), Section 28.002, Education Code,  
24 as amended by this Act, applies beginning with the 2009-2010 school  
25 year.

26           SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009. \_\_\_\_\_

David Newkum  
President of the Senate

Jon Straus  
Speaker of the House

I hereby certify that S.B. No. 891 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2009, by the following vote: Yeas 31, Nays 0. \_\_\_\_\_

Lacey Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 891 passed the House, with amendments, on May 20, 2009, by the following vote: Yeas 113, Nays 25, one present not voting. \_\_\_\_\_

Robert Haney  
Chief Clerk of the House

Approved:

19 JUN '09

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

Colby Hunter III