

## **BILL ANALYSIS**

C.S.H.B. 3606  
By: Wilson  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note the importance of having access to information concerning student participation in physical education classes. C.S.H.B. 3606 seeks to increase such access by providing for a report on the physical education provided by each school district.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3606 amends the Education Code to require the commissioner of education, not later than one year after the Texas Education Agency (TEA) receives from each school district certain health and safety information relating to student health and physical activity, to complete a report on physical education provided by each school district and publish the report on the TEA website. The bill requires the report to include the number of physical education classes offered at each campus in the district and detail the number of days, classes, and minutes offered each week by each campus; the ratio of students enrolled in physical education classes in the district compared to the overall enrollment; the average physical education class size at each campus in the district; the number of physical education teachers in the district who are licensed, certified, or endorsed by an accredited teacher preparation program to teach physical education; whether each campus in the district has the appropriate equipment and adequate facilities for students to engage in the amount and intensity of physical activity required by law; whether the district allows modifications or accommodations that allow physical education courses to meet the needs of students with disabilities; and whether the district has a policy that allows teachers or administrators in the district to withhold physical activity from a student as punishment.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3606 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0141(1) to read as follows:

Sec. 38.0141(1) PHYSICAL EDUCATION ASSESSMENT.

(a) The Commissioner shall ensure that the data for each school district is published on the Agency's website within one year of the data being collected

(b) The data shall include the following:

(1) The number of physical education classes offered at each school and detail the number of days, classes, and minutes offered each week;

(2) The ratio of students enrolled in physical education classes compared to the overall enrollment;

(3) The average physical education class size at each campus;

(4) The number of physical education teachers at each school who are certified, or endorsed by an accredited teacher preparation program to teach physical education.

(5) Whether each campus has the appropriate equipment and adequate facilities for students to engage in the amount and intensity of physical activity required under Section 28.002;

(6) Whether modifications to physical activity courses are allowed to meet the needs of students with disabilities;

(7) Whether students may opt out of physical education to prepare for other classes or standardized tests;

(8) Whether physical activity can be withheld as punishment;

SECTION 2. This Act takes effect

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 38.0141, Education Code, is amended to read as follows:

Sec. 38.0141. REPORTING OF CERTAIN HEALTH AND SAFETY INFORMATION REQUIRED.

(a) Each school district shall provide to the agency information as required by the commissioner, including statistics and data, relating to student health and physical activity and information described by Section 28.004(k), presented in a form determined by the commissioner. The district shall provide the information required by this subsection ~~[section]~~ for the district and for each campus in the district.

(b) Not later than one year after the agency receives the information required by Subsection (a), the commissioner shall complete a report on physical education provided by each school district and publish the report on the agency's Internet website.

(c) The report must include:

(1) the number of physical education classes offered at each campus in the district and detail the number of days, classes, and minutes offered each week by each campus;

(2) the ratio of students enrolled in physical education classes in the district compared to the overall enrollment;

(3) the average physical education class size at each campus in the district;

(4) the number of physical education teachers in the district who are licensed, certified, or endorsed by an accredited teacher preparation program to teach physical education;

(5) whether each campus in the district has the appropriate equipment and adequate facilities for students to engage in the amount and intensity of physical activity required under Section 28.002;

(6) whether the district allows modifications or accommodations that allow physical education courses to meet the needs of students with disabilities; and

(7) whether the district has a policy that allows teachers or administrators in the district to withhold physical activity from a student as punishment.

SECTION 2. Same as introduced version.

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