

SUBJECT: Physical education requirements for middle and high school students

COMMITTEE: Public Education — committee substitute recommended

VOTE: 6 ayes — Grusendorf, Branch, Delisi, Dutton, B. Keffer, Mowery
1 nay — Hochberg
1 present not voting — Eissler
1 absent — Oliveira

SENATE VOTE: On final passage, April 21 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Education Code, sec. 28.002 defines the required curriculum that each school district offering kindergarten through grade 12 must provide. Weekly or daily physical education (PE) classes were required until 1995, when the Education Code was revised to give each districts local control over its curriculum. In 2001, the 77th Legislature enacted SB 19 by Nelson, which allows the State Board of Education (SBOE) to adopt a rule requiring elementary school students enrolled in kindergarten through grade 6 to participate in daily physical activity as part of the school district’s PE curriculum. The law also directs the Texas Education Agency (TEA) to make a coordinated health program available to each school district and requires districts to implement such a program.

DIGEST: SB 42 would require that health education emphasize the importance of proper nutrition and exercise and would allow the SBOE to adopt a rule to require students enrolled in kindergarten through grade 8 to participate in daily physical activity as part of the school district’s physical education curriculum. Students in middle school and junior high school would have to participate in physical activity twice a week throughout the school year. If the SBOE adopted such a rule, the rule would have to provide an exemption for a student unable to participate in daily physical activity because of illness or disability and for a middle or junior high school student who participated in an extracurricular activity with a physical

activity component. The SBOE could permit an exemption for a student who participated in a school-related activity or an activity sponsored by a private league or club only if the student provided proof of participation in the activity.

To encourage school districts to promote physical activity for children through health and physical education curricula, TEA, in consultation with the Department of State Health Services, would have to designate nationally recognized health and PE program guidelines that districts could use as part of the health or PE curriculum.

School districts would have to publish in the student handbook and post on the district's Web site a statement of the district's policies to ensure that elementary, middle, and junior high school students engaged in physical activity at 30 minutes per school day or 135 minutes per school week.

The bill would extend the Coordinated Health Program into middle and junior high school. It would require each school district to provide to TEA statistics and data relating to student health and activity. The information would have to be provided for the district as a whole and for each individual campus.

The bill would require the Health and Human Services Commission (HHSC) to establish a School Health Advisory Committee at the department to assist the council in establishing a leadership role for the department in support for and delivery of coordinated school health programs and services. The committee would have to include at least one representative from the Texas Department of Agriculture and one from TEA, both of whom would be appointed by their respective commissioners.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005. The provisions of the bill would apply beginning with the 2006-07 school year. HHSC would have to adopt rules to establish the School Health Advisory Committee by January 1, 2006.

**SUPPORTERS
SAY:**

SB 42 is needed to encourage middle schools and junior high schools to offer physical education activities to an increasingly sedentary and unhealthy population of middle school students. Although no specific figures are available for Texas, the Centers for Disease Control and Prevention reports that 42 percent of students attended daily physical education class in 1991. By 1997, that number had declined to only 27 percent. Nationwide, school districts are reducing or eliminating physical education classes because they are strapped for funds and want to focus school time on academics. Gradually, Texas school districts also have neglected the physical health and physical education of their middle school students.

Experts say that children who exercise regularly get better exam results and perform better in the classroom. Research suggests that children who are active get more oxygen to the brain.

Texas is experiencing epidemic levels of adolescent obesity because of dwindling physical activity and poor health and nutrition habits. These children are developing serious health problems at an early age, problems that were once limited to adults, such as “adult-onset” (Type 2) diabetes and premature heart disease. Not only is this a concern for every child, but it also poses a threat to the future of Texas. If children do not learn healthy habits when they are young, they will grow up to be unhealthy adults. If 25 percent of the state’s workforce became prematurely disabled due to complications from diabetes, cardiovascular disease, heart attack, or stroke, the price would be enormous in terms of lost productivity and the increased burden on the health care system.

A lack of physical education requirements in Texas schools is fueling this crisis. National guidelines recommend that middle and high school students should receive 225 minutes of exercise per week. The bill offers a flexible approach to physical education that would take into account outside physical activities while still ensuring that middle and junior high school students get at least a minimal amount of physical activity each week.

**OPPONENTS
SAY:**

State law requires school districts to teach English, language arts, mathematics, science, social studies, as well as other subjects. As TAKS test requirements get more difficult every year, schools have been forced to use limited resources for academics and less for physical education classes. A lack of money, overly tight schedules, and the pressure to

devote more time to academics are the primary reasons physical education classes have been reduced. Some schools are scheduling more time for reading, writing, math, and social studies because those are the subjects on which students are tested as part of the state's accountability system.

School districts should retain the flexibility to set their own curricula to meet local needs. Many school districts have taken steps to address health concerns by eliminating deep-fat fryers from cafeteria kitchens and adding fresh fruit and salad bars in lunchrooms. It should be left up to the local entities to design a schedule that would allow for more physical education if that is what parents and educators want.

OTHER
OPPONENTS
SAY:

Requiring schools to offer physical education classes without additional financial resources would create another unfunded mandate. According to the fiscal note, school districts would have to hire an additional 358 teachers beginning in 2006-07 at a cost of nearly \$15 million for school districts and nearly \$1 million for the Teacher Retirement System.

Desperation for funding has led many districts to raise money from soft drink companies and fast food vendors on campuses, which have a captive audience of buyers. Until the state faces up to the severe problem of public financing for education and finds more state dollars for schools, local educators should retain the discretion to determine how best to bring students up to academic speed and let parents worry about whether their children are getting enough exercise.

NOTES:

The committee substitute moved health education back to the enrichment curriculum from the foundation curriculum, where it had been placed in the Senate version. The substitute would allow for PE twice a week in middle and junior high school rather than 30 minutes daily. The substitute would allow the SBOE to consider extracurricular activity with a physical activity component and club-related events to be considered by SBOE in place of PE classes.