

SUBJECT: Physical activity requirement and assessment for public school students

COMMITTEE: Public Education — committee substitute recommended

VOTE: 7 ayes — Eissler, Zedler, Branch, Delisi, Hochberg, Olivo, Patrick

0 nays

2 absent — Dutton, Mowery

SENATE VOTE: On final passage, April 11 — 29-1 (Williams)

WITNESSES: *(On House companion, HB 1257 by Eissler:)*

For — Kenneth Cooper; Kimberly Avila Edwards, Texas Medical Association, Texas Pediatric Society, Texas Academy of Family Physicians; Jodie Smith, Texans Care for Children (*Registered, but did not testify*); Ellen Arnold, Texas PTA; Tom Banning, Texas Academy of Family Physicians; Veronica De La Garza, American Diabetes Association; James Gray, American Cancer Society; Bill Hammond, Texas Association of Business; Greg Hooser, Texas Association for School Nutrition, Texas Dietetic Association; Mazie M. Jamison, Children's Medical Center, Dallas; Joel Romo, American Heart Association, Partnership for a Healthy Texas; Denise Rose, Texas Children's Hospital; Michele Rusnak, Elementary and Secondary Administrators for Health and Physical Education; Bryan Sperry, Children's Hospital Association of Texas)

Against — (*Registered, but did not testify*): Nathan Bond, Texas Foreign Language Association)

On — Robert Floyd, Texas Music Educators Association, Texas Coalition for Quality Arts Education; Cindy Houston; Jeff Kloster, Texas Education Agency; Tabitha Lewis, Texas Association of School Boards; Mike Motheral, Texas Association of School Administrators; Lisa Roebuck (*Registered, but did not testify*); Fred Behning; Anita Wheeler, School Health Coordinator, Department of State Health Services)

BACKGROUND: Education Code, sec. 28.002(1) allows the State Board of Education (SBOE) to adopt a rule requiring students in kindergarten or a grade level below grade nine to participate in daily physical activity through a district's physical education curriculum or through structured activities during daily recess, except that the board may not require more than 30 minutes of daily physical activity. If the board adopts rules, it must ensure that middle and junior high school students meet the physical activity requirement by participating in physical activity twice each week throughout the school year or at least two semesters overall.

DIGEST: SB 530 would transfer authority for physical education requirements from the State Board of Education (SBOE) to school districts, and, beginning with the 2007-08 school year, require students below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year. The bill would eliminate the current statutory 30-minute per day limitation on physical education activities.

If a school district determined, for any grade level below grade six, that this requirement was impractical due to scheduling concerns or other factors, students in that grade level could participate in moderate or vigorous physical activity for at least 135 minutes each school week. For districts that used block scheduling, students would have to participate in moderate or vigorous physical activity for at least 225 minutes during each two-week school period.

Beginning with the 2008-09 school year, students in grades six, seven, and eight would have to participate in daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. Students who participated in an extracurricular activity with a moderate or vigorous physical activity component would be exempted from this requirement, as would students with illnesses or disabilities that prevented them from participating.

The local school health advisory committee would have to consider and make policy recommendations on the importance of daily recess for elementary school students, taking into account research on unstructured and undirected play, academic and social development, and the health benefits of daily recess. Any policy recommendation by the council to the district would have to reflect local values.

Physical fitness assessment. School districts would have to annually assess the physical fitness of students in grades three through eight and provide the results of the assessment to the student's parent or guardian, along with an explanation of the results. For the 2007-08 school year, TEA would have to adopt an assessment instrument that was based on factors related to student health, including aerobic capacity, body composition, and muscular strength, endurance, and flexibility. The assessment would have to include criterion-referenced standards specific to a student's age and gender and based on the physical fitness level required for good health.

Districts would have to compile the results of the fitness assessments and provide TEA with summary results, aggregated by grade level and any other appropriate category. These summary results could not contain the names of individual students or teachers. Individual student performance on the assessments would be confidential and could be released only in accordance with state and federal law.

TEA would have to analyze the assessment results and identify any correlation with the following:

- student academic achievement levels;
- student attendance levels;
- student obesity;
- student disciplinary problems; and
- school meal programs.

By September 1 of each year, TEA would have to report these findings to the School Health Advisory Committee to be used to assess the effectiveness of coordinated health programs and to develop recommendations for modification to coordinated health programs.

By September 1, 2009, TEA would have to submit a report to the Legislature that detailed options and recommendations for providing moderate or vigorous daily physical activity for students at least 30 minutes outside the seven-hour instructional day.

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, 2007 and would apply beginning with the 2007-08 school year.

SUPPORTERS
SAY:

CSSB 530 would address the need for physical activity by students while also giving schools enough flexibility to meet other, equally important state requirements. The bill would help the state address a growing crisis of childhood obesity and related health problems by giving a better understanding of the relationship between student fitness and other factors, such as academic performance, dropout rates, and absenteeism.

In education, there are fundamentals and there are electives. Good health is as fundamental as reading, writing and arithmetic, a lesson students must learn.

More than a third of Texas students are overweight, putting them at higher risk for numerous chronic diseases, including heart disease. Adolescents are developing the type of diabetes that used to show up only in middle-aged adults. Most shocking of all, our youth are at risk of becoming the first generation of Texans to live shorter lives than their parents. Action now would reverse this trend.

A lack of physical education requirements in Texas is fueling this crisis. National guidelines recommend that middle and high school students should receive 225 minutes of exercise per week. CSSB 530 offers a flexible approach that would take into account outside physical activities while still ensuring that students get at least a minimal amount of physical activity.

OPPONENTS
SAY:

An increase in physical education requirements could limit the time available for other electives, particularly art and music for elementary students. While physical activity is important, it should not be emphasized at the expense of these other important pursuits.

OTHER
OPPONENTS
SAY:

Increasing physical education requirements would not have a significant impact on student obesity. Nutrition education and attention to the types of food served in cafeterias should also be emphasized in order to have a greater impact on student health.

NOTES:

The House committee substitute differs from the Senate-passed version of the bill by requiring students in grades six, seven, and eight to participate in daily physical activity for at least 30 minutes for at least four semesters.

The House companion bill, HB1257 by Eissler, was considered in a public hearing by the Public Education Committee on March 20 and left pending.