

- SUBJECT:** Authorizing an opt-out of physical education assessments
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 7 ayes — Eissler, Allen, Guillen, Huberty, Shelton, Strama, Weber
0 nays
4 absent — Hochberg, Aycock, Dutton, T. Smith
- WITNESSES:** For — David Deen
Against — None
On — Gina Day, Texas Education Agency
- BACKGROUND:** Education Code, sec. 38.101 requires school districts to conduct annual physical fitness assessments of students in grades three through 12.
- The data from the assessment are collected and compiled by the Texas Education Agency (TEA) to provide reports to school health advisory committees to determine if there is any correlation between the results and student academic achievement, attendance, obesity, disciplinary problems, or school meal programs.
- A school district can exempt certain students from the assessment if they have a disability or other condition that allows for an exemption.
- DIGEST:** HB 2704 would prohibit a school district from conducting the physical education assessment of a student in grade three through 12 if the student's parent objected in writing.
- The bill would require a school district to inform parents about their right to object and provide parents with a reasonable opportunity to act.
- 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, 2011. It would apply to the 2011-12 school year.