

BILL ANALYSIS

Senate Research Center
82R4597 KKA-D

H.B. 692
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the State Board of Education (SBOE) does not have the ability to exempt a student from the statutorily required physical education credit for graduation. Physical education is a mandated curriculum area for all students in Texas. It is an essential part of the basic educational program and contributes to the development of the total individual.

Every student is entitled to participate in a program of physical activity, specially designed if necessary. A well-planned, sequential program of physical education contributes significantly to the learning experience of all students, particularly students with disabilities. However, certain students with extreme disabilities have conditions which preclude them from active participation in general physical education.

Under H.B. 692, SBOE is required to allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the physical education credit.

H.B. 692 amends current law relating to high school graduation requirements for a student who is unable to participate in physical activity due to disability or illness.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Education is modified in SECTION 1 (Section 28.025, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.025, Education Code, by amending Subsection (b-1) and adding Subsection (b-11), as follows:

(b-1) Requires the State Board of Education (SBOE) by rule to require that certain curriculum requirements, including the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) (relating to requiring SBOE by rule to determine curriculum requirements for the minimum, recommended, and advanced high school programs), include a requirement that students successfully complete certain academic credits, including for the minimum, recommended, and advanced high school programs under Subsection (a), a requirement that students successfully complete one credit in fine arts under Section 28.002(a)(2)(D) (relating to fine arts) and, except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C) (relating to physical education).

(b-11) Requires SBOE, in adopting rules under Subsection (b-1), to allow a student who is unable to participate in physical activity due to disability or illness to substitute one credit in English language arts, mathematics, science, or social studies or one academic elective credit for the physical education credit required under Subsection (b-1)(3)(B) (relating to relating to one credit in physical education). Prohibits a credit allowed to be substituted under this subsection from also being used by the student to satisfy a graduation requirement other than completion of the physical education credit. Requires

that the rules provide that the determination regarding a student's ability to participate in physical activity will be made by:

- (1) if the student receives special education services under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), the student's admission, review, and dismissal committee;
- (2) if the student does not receive special education services under Subchapter A, Chapter 29, but is covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), the committee established for the student under that Act; or
- (3) if each of the committees described by Subdivisions (1) and (2) is inapplicable, a committee established by the school district of persons with appropriate knowledge regarding the student.

SECTION 2. Effective date: upon passage or September 1, 2011.