

## **BILL ANALYSIS**

Senate Research Center  
83R8303 CAE-D

S.B. 684  
By: Deuell  
Education  
3/1/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Created by S.B. 530 in the 80th Legislature, the FitnessGram Program is intended to strengthen the physical activity requirement for public school students and establish a confidential fitness assessment as a tool to gauge fitness levels. S.B. 530 required a school district to annually assess the physical fitness of students in grades 3-12 and compile the results of the assessment to provide summary results to the Texas Education Agency (TEA). TEA posts the aggregated data for each district on its website. With that information, TEA is required to determine, for each school district, whether any correlation exists between the results and the student's academic achievement, attendance, obesity, disciplinary problems, and school meal programs.

Though the program was created with the best of intentions, in practice it proved to be costly and time-consuming for smaller districts. Data collection from coaches and data entry from administration costs each district approximately \$6,500 in personnel time. Paired with nearly \$1,500 for software updates and installation for a small district's network, the implementation of this program is quite costly. The most recent software update (FitnessGram 9) cost each district \$599 per school building site license including a fee of \$100 for the first year for Tier II technical support and \$50 per year thereafter for support.

S.B. 684 amends current law to make the FitnessGram Program optional to all public school districts rather than a requirement.

As proposed, S.B. 684 amends current law relating to a physical assessment of students by a public school.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.004(k), Education Code, to require a school district to publish in the student handbook and post on the district's Internet website, if the district has an Internet website, certain statements, including a statement providing notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year, if the district administers a physical fitness assessment under Subchapter C (Physical Fitness Assessment), Chapter 38 (Health and Safety).

SECTION 2. Amends Section 38.101, Education Code, as follows:

Sec. 38.101. New heading: ASSESSMENT AUTHORIZED. (a) Authorizes a school district to annually assess the physical fitness of students enrolled in grade three or higher in a course that satisfies the curriculum requirements for physical education under Section 28.002(a)(2)(C) (relating to physical education), rather than requires a school district, except as provided by Subsection (b), to annually assess the physical fitness of students enrolled in grade three or higher in a course that satisfies the curriculum requirements for physical education under Section 28.002(a)(2)(C).

(b) Provides that a school district, if the district assesses the physical fitness of students as authorized under Subsection (a), is not required to assess a student for whom, as a result of disability or other condition identified by commissioner rule, the assessment instrument adopted under Section 38.102 (Adoption of Assessment Instrument) is inappropriate. Makes a nonsubstantive change.

SECTION 3. Amends Section 38.103(a), Education Code, to require a school district, if the district assesses the physical fitness of students under this subchapter, to provide the results of individual student performance on the physical fitness assessment to the Texas Education Agency (TEA), rather than requiring a school district to provide the results of individual student performance on the physical fitness assessment required by this subchapter to TEA.

SECTION 4. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 5. Effective date: upon passage or September 1, 2013.