

BILL ANALYSIS

C.S.H.B. 440
By: Gonzales, Larry
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the State Board of Education is required to ensure that the physical education curriculum meets the needs of students who have a disability, chronic health problems, or certain other special needs. Interested parties contend that the law could be construed to mean that the curriculum adaptation necessary to meet the physical needs of such students is required only for students with a physical disability. Schools are currently allowed to provide adaptive curricula in certain subject areas for students with a wide range of disabilities, and the goal of C.S.H.B. 440 is to extend the availability of adaptive curricula for those students to the physical education curriculum.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 440 amends the Education Code to require the State Board of Education, in identifying the essential knowledge and skills of physical education, to ensure that the physical education curriculum required in each school district that offers kindergarten through grade 12 meets the needs of students who are eligible to participate in a school district's special education program as provided by law or who meet the eligibility criteria developed by the Texas Education Agency for a special education program. The bill applies beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 440 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 28.002(d), Education	SECTION 1. Section 28.002(d), Education

Code, is amended to read as follows:

(d) The physical education curriculum required under Subsection (a)(2)(C) must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life. Each school district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. In identifying the essential knowledge and skills of physical education, the State Board of Education shall ensure that the curriculum:

(1) emphasizes the knowledge and skills capable of being used during a lifetime of regular physical activity;

(2) is consistent with national physical education standards for:

(A) the information that students should learn about physical activity; and

(B) the physical activities that students should be able to perform;

(3) requires that, on a weekly basis, at least 50 percent of the physical education class be used for actual student physical activity and that the activity be, to the extent practicable, at a moderate or vigorous level;

(4) offers students an opportunity to choose among many types of physical activity in which to participate;

(5) offers students both cooperative and competitive games;

(6) meets the needs of students of all physical ability levels, including students who have a ~~[disability,]~~ chronic health problem, disability, including a student who is a person with a mental disability as defined by Section 535.001, Health and Safety Code, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;

(7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;

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(4) offers students an opportunity to choose among many types of physical activity in which to participate;

(5) offers students both cooperative and competitive games;

(6) meets the needs of students of all physical ability levels, including students who have a ~~[disability,]~~ chronic health problem, disability, including a student who is a person with a disability described under Section 29.003(b) or criteria developed by the agency in accordance with that section, or other special need that precludes the student from participating in regular physical education instruction but who might be able to participate in physical education that is suitably adapted and, if applicable, included in the student's individualized education program;

(7) takes into account the effect that gender and cultural differences might have on the degree of student interest in physical activity or on the types of physical activity in which a student is interested;

- (8) teaches self-management and movement skills;
- (9) teaches cooperation, fair play, and responsible participation in physical activity;
- (10) promotes student participation in physical activity outside of school; and
- (11) allows physical education classes to be an enjoyable experience for students.

SECTION 2. This Act applies beginning with the 2015-2016 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

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SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.