

## PHYSICAL FITNESS ASSESSMENT REQUIREMENT

### Texas Education Code

#### Sec. 38.101. ASSESSMENT REQUIRED.

(a) Except as provided by Subsection (b), a school district annually shall assess the physical fitness of students enrolled in grades 3 through 12.

(b) A school district 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 is inappropriate.

*Added by Acts 2007, 80th Leg., R.S., Ch. 1377, Sec. 3, eff. June 15, 2007.*

Sec. 38.102. ADOPTION OF ASSESSMENT INSTRUMENT. (a) The commissioner by rule shall adopt an assessment instrument to be used by a school district in assessing student physical fitness under this subchapter.

(b) The assessment instrument must:

(1) be based on factors related to student health, including the following factors that have been identified as essential to overall health and function:

(A) aerobic capacity;

(B) body composition; and

(C) muscular strength, endurance, and flexibility; and

(2) include criterion-referenced standards specific to a student's age and gender and based on the physical fitness level required for good health.

*Added by Acts 2007, 80th Leg., R.S., Ch. 1377, Sec. 3, eff. June 15, 2007.*

#### Sec. 38.103. REPORTING OF SUMMARY RESULTS.

(a) A school district shall compile the results of the physical fitness assessment required by this subchapter and provide summary results, aggregated by grade level and any other appropriate category identified by commissioner rule, to the agency. The summary results may not contain the names of individual students or teachers.

(b) The results of individual student performance on the physical fitness assessment instrument are confidential and may be released only in accordance with state and federal law.

*Added by Acts 2007, 80th Leg., R.S., Ch. 1377, Sec. 3, eff. June 15, 2007.*

Sec. 38.104. ANALYSIS OF RESULTS.

(a) The agency shall analyze the results received by the agency under this subchapter and identify, for each school district, any correlation between the results and the following:

- (1) student academic achievement levels;
- (2) student attendance levels;
- (3) student obesity;
- (4) student disciplinary problems; and
- (5) school meal programs.

(b) The agency may contract with a public or private entity for that entity to conduct all or part of the analysis required by Subsection (a).

(c) Not later than September 1 of each year, the agency shall report the findings of the analysis under this section of the results obtained during the preceding school year to the School Health Advisory Committee established under Section 1001.0711, Health and Safety Code, for use by the committee in:

- (1) assessing the effectiveness of coordinated health programs provided by school districts in accordance with Section 38.014; and
- (2) developing recommendations for modifications to coordinated health program requirements or related curriculum.

*Added by Acts 2007, 80th Leg., R.S., Ch. 1377, Sec. 3, eff. June 15, 2007.*

Sec. 38.105. DONATIONS.

The agency and each school district may accept donations made to facilitate implementation of this subchapter.

*Added by Acts 2007, 80th Leg., R.S., Ch. 1377, Sec. 3, eff. June 15, 2007.*

Sec. 38.106. RULES.

The commissioner shall adopt rules necessary to implement this subchapter.

*Added by Acts 2007, 80th Leg., R.S., Ch. 1377, Sec. 3, eff. June 15, 2007.*

## **Texas Administrative Code**

### Sec. 103.1001. STUDENT PHYSICAL FITNESS ASSESSMENT.

(a) In accordance with the Texas Education Code (TEC), Chapter 38, Subchapter C, each school district and open-enrollment charter school shall annually assess the physical fitness of students enrolled in Grades 3-12.

(b) Each student must be assessed based on factors related to student health, including the factors specified in the TEC, Sec. 38.102, unless a particular factor is inappropriate for that student because of a health classification as defined in 19 TAC Sec. 74.31 of this title (relating to Health Classifications for Physical Education).

(c) The assessment that each school district and open-enrollment charter school shall use to assess student physical fitness will be the assessment instrument selected by the commissioner of education through a request for offers process.

*Statutory Authority: The provisions of Sec.103.1001 issued under the Texas Education Code, Sec.38.102 and §38.106.*

*Source: Provisions of Sec.103.1001 adopted to be effective December 18, 2007, 32 TexReg 9340.*