

## Chapter 103. Health and Safety

### Subchapter AA. Commissioner's Rules Concerning Physical Fitness

#### §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, §38.102, unless a particular factor is inappropriate for that student because of a health classification as defined in 19 TAC §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 this §103.1001 issued under the Texas Education Code, §38.102 and §38.106.*

*Source: The provisions of this §103.1001 adopted to be effective December 18, 2007, 32 TexReg 9340.*

#### §103.1003. Student Physical Activity Requirements and Exemptions.

- (a) In accordance with the Texas Education Code (TEC), §28.002(1), all students in Kindergarten-Grade 8 must participate in at least 30 minutes of moderate to vigorous daily physical activity subject only to the limitations or exemptions specified in this section.
  - (1) For a student enrolled in any grade level below Grade 6, the school district or open-enrollment charter school may require a student to participate in moderate or vigorous physical activity for at least 135 minutes during each school week as an alternative.
  - (2) A student in Grade 6, 7, or 8 must participate daily for at least four semesters during those grades.
  - (3) A school district or open-enrollment charter school that uses block scheduling may permit a student to participate in 225 minutes of physical activity over two weeks as an alternative.
  - (4) Each school district or open-enrollment charter school must allow an exemption from the physical activity requirement for a student with an illness or a disability using the health classifications defined in §74.31 of this title (relating to Health Classifications for Physical Education).
- (b) Each school district or open-enrollment charter school must provide an exemption for a student on a middle or junior high school campus to participate in an extracurricular activity that has a moderate to vigorous physical activity component and meets the requirements for extracurricular activity as defined by §76.1001 of this title (relating to Extracurricular Activities) and is a structured activity as defined by subsection (d) of this section.
- (c) A school district or open-enrollment charter school may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements.
  - (1) The activity must be structured as defined in subsection (d) of this section.
  - (2) The school district's board of trustees or open-enrollment charter school board must certify the activity.
  - (3) The student must provide proof of participation in the activity.

- (d) A structured activity as referenced in this section is defined as an activity that meets, at a minimum, each of the following requirements.
- (1) The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in Chapter 116 of this title (relating to Texas Essential Knowledge and Skills for Physical Education).
  - (2) The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the school district's board of trustees or open-enrollment charter school board.

*Statutory Authority: The provisions of this §103.1003 issued under the Texas Education Code, §28.002(1) and (1-1).*

*Source: The provisions of this §103.1003 adopted to be effective August 28, 2008, 33 TexReg 6828.*