

BILL ANALYSIS

Senate Research Center
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H.B. 440
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Education
5/5/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 needs of such students is required only for students with a physical disability.

H.B. 440 clarifies that modifications for physical education should be provided for all public education students who have disabilities, including mental and emotional health or intellectual or developmental disabilities.

H.B. 440 amends current law relating to adapting the public school physical education curriculum to accommodate the needs of students with mental disabilities.

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 28.002(d), Education Code, to require the State Board of Education (SBOE), in identifying the essential knowledge and skills of physical education, to ensure that the physical education curriculum meets the needs of students of all physical ability levels, including students who have a chronic health problem, disability, including a student who is a person with a disability described under Section 29.003(b) (providing that a student is eligible to participate in a school district's special education program if the student meets certain criteria) or criteria developed by SBOE 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.

SECTION 2. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 3. Effective date: upon passage or September 1, 2015.