

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1795 Session of 2011

INTRODUCED BY BRIGGS, BISHOP, BRADFORD, V. BROWN, BURNS,
 CALTAGIRONE, FABRIZIO, FREEMAN, GEIST, GEORGE, GERBER,
 GIBBONS, GOODMAN, HARKINS, KOTIK, MAHONEY, MANN, MCGEEHAN,
 M. O'BRIEN, READSHAW, STABACK, STURLA, SWANGER, WAGNER,
 WHEATLEY, WHITE AND YOUNGBLOOD, JULY 20, 2011

REFERRED TO COMMITTEE ON EDUCATION, JULY 20, 2011

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
 2 act relating to the public school system, including certain
 3 provisions applicable as well to private and parochial
 4 schools; amending, revising, consolidating and changing the
 5 laws relating thereto," providing for physical fitness.

6 The General Assembly of the Commonwealth of Pennsylvania
 7 hereby enacts as follows:

8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
 9 as the Public School Code of 1949, is amended by adding an
 10 article to read:

11 ARTICLE XIII-B

12 PHYSICAL FITNESS

13 Section 1301-B. Purpose.

14 Students spend a major part of their day in the school
 15 environment, therefore it is vital that the school environment
 16 support the development of a healthy and physically active
 17 lifestyle, offer opportunities for students to make healthy and
 18 informed choices and prepare students for academic success. This

1 article is established to achieve the following purposes:

2 (1) Establish physical activity practices to facilitate
3 the improvement of student health.

4 (2) Increase the amount of moderate to vigorous physical
5 activity of all students during the school day.

6 (3) Provide students with the necessary skills and
7 aptitude to develop and engage in an individualized physical
8 activity plan that they can continue to use and adapt
9 throughout life.

10 (4) Ensure provision of both physical education and
11 physical activity. Physical education meets the requirements
12 of 22 Pa. Code Ch. 4 (relating to academic standards and
13 assessment). There is no requirement for physical activity to
14 be aligned to State standards, be assessed or be taught by
15 certified teachers with a health and physical education
16 certification.

17 Section 1302-B. Definitions.

18 The following words and phrases when used in this article
19 shall have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Absolute intensity." A specific method of measuring the
22 level of exertion used during physical activity. It is the
23 amount of energy used by the body per minute of activity.

24 "Active commuting." Modes of transportation to and from
25 school that involve physical activity, including walking,
26 biking, skating and rollerblading.

27 "Adapted physical education." Physical education programs
28 that include guidance on how to appropriately modify physical
29 activities, equipment and assessments for students with a
30 disability or chronic health condition in ways that provide them

1 with the same instruction and opportunity to develop skills that
2 other students receive.

3 "Department." The Department of Education of the
4 Commonwealth.

5 "Highly qualified elementary teacher." An elementary teacher
6 as defined by section 7801(23) of the Elementary and Secondary
7 Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et
8 seq.).

9 "Highly qualified middle or secondary teacher." A middle or
10 secondary teacher as defined by section 7801(23) of the
11 Elementary and Secondary Education Act of 1965 (Public Law
12 89-10, 20 U.S.C. § 6301 et seq.).

13 "Moderate to Vigorous Physical Activity" or "MVPA." Physical
14 exertion equivalent in intensity to brisk walking.

15 "Physical activity." Physical activity is any bodily
16 movement that works muscles and uses more energy than when an
17 individual is resting. Physical activity generally refers to
18 bodily movement that enhances health and includes activities
19 like walking, running, dancing, jumping rope, swimming and yoga.
20 Exertion levels may be measured in terms of relative intensity
21 and absolute intensity.

22 "Physical activity breaks." Brief opportunities for physical
23 activity provided throughout the day, such as during morning or
24 afternoon announcements, and integrating physical activity and
25 movement during instruction.

26 "Physical education." A planned, sequential, movement-based
27 program of curricula and instruction that helps students develop
28 the knowledge, attitudes, motor skills, self-management skills
29 and confidence needed to maintain a physically active life.

30 "Recess." Regularly scheduled periods within the school day

1 for supervised physical activity and play.

2 "Relative intensity." The level of effort required by a
3 person to do an activity. When using relative intensity,
4 individuals pay attention to how physical activity affects their
5 heart rate and breathing. The talk test is a simple way to
6 measure relative intensity. If an individual is engaged in
7 moderate intensity activity, he can talk but not sing during the
8 activity. If an individual is engaged in vigorous intensity
9 activity, he will not be able to say more than a few words
10 without pausing for breath.

11 "Vigorous activity." Physical exertion that makes a person
12 sweat and breathe hard.

13 Section 1303-B. General policies.

14 A school entity shall develop, expand or improve policies
15 that encourage the following:

16 (1) Students and staff shall be encouraged and supported
17 to safely walk or bike to and from school as often as
18 possible. This policy can include safe pedestrian and bicycle
19 routes, school siting, student transportation, helmet use,
20 wellness policies and policy evaluation.

21 (2) Policies should encourage the construction of new
22 elementary schools within one mile of the homes of as many
23 students as possible.

24 (3) Policies should encourage the construction of new
25 middle schools and high schools within two miles of the homes
26 of as many students as possible.

27 (4) Siting decisions may include a safety assessment of
28 pedestrian and bicycle routes around the school and campus
29 exits to safely separate automobile and bus traffic from
30 students walking and biking.

1 (5) All persons on school grounds riding a bicycle or
2 other pedal-powered vehicle should be encouraged to wear a
3 safety helmet that meets the standards of the Federal
4 Consumer Product Safety Commission.

5 (6) Each school entity is encouraged to incorporate
6 active commuting to school in its wellness policy as a means
7 of increasing physical activity levels. Health education and
8 physical education curricula shall include topics of
9 pedestrian and cyclist safety and traffic rules at
10 appropriate grade levels. School entities are encouraged to
11 change any existing policies that ban or discourage walking
12 or bicycling to and from school.

13 (7) School entities are encouraged to establish joint
14 use agreements with local government and community agencies
15 to allow use of school facilities to encourage physical
16 activity and other activities outside of school hours as
17 provided in sections 706 and 775.

18 Section 1304-B. Physical activity program for elementary, middle
19 and high schools.

20 (a) Requirement.--School districts, with the help of
21 physical educators, shall develop, expand or improve a
22 comprehensive school physical activity program that shall
23 include no fewer than 30 minutes of moderate to vigorous
24 physical activity occurring throughout every regular school day
25 for every child. Time spent in interscholastic athletics or
26 physical activity after school may not count toward the physical
27 activity requirement.

28 (b) Satisfaction of requirement.--The requirement in
29 subsection (a) may be satisfied through a combination of the
30 following:

1 (1) Quality physical education classes.

2 (2) Other physical activities offered throughout the
3 regular school day, such as dance, classroom energizers and
4 other curriculum-based physical activity programs.

5 (3) Recess and physical activity breaks. This includes:

6 (i) Elementary and middle schools shall provide at
7 least 20 minutes per day of scheduled recess that
8 includes moderate to vigorous physical activity.

9 (ii) For elementary and middle schools, recess may
10 be offered before lunch.

11 (iii) High schools are encouraged to offer at least
12 a 20-minute physical activity break. Activities and
13 support shall encourage moderate to vigorous physical
14 activity.

15 (iv) More than one scheduled period of physical
16 activity may be provided. The duration of each period
17 shall be sufficient to provide a significant health
18 benefit to students.

19 (c) Required components.--The physical activity program
20 shall include the following components:

21 (1) Every student every year shall be encouraged to
22 achieve an additional 30 minutes of daily physical activity
23 during time spent outside of school. Participation in
24 interscholastic athletics may be used to encourage
25 achievement of the additional 30 minutes of physical
26 activity.

27 (2) Administrators, teachers and staff may not deny
28 physical activity for disciplinary reasons or to make up
29 lessons.

30 (3) Physical activity shall complement and may not be a

1 substitution for the physical education program.

2 (4) Sedentary time shall be limited to fewer than two
3 hours at one time.

4 Section 1305-B. Physical education.

5 (a) Requirement.--School entities shall provide physical
6 education to every student every year, including those involved
7 in interscholastic athletics and students in alternative
8 education programs. Every student every year shall be encouraged
9 to develop an age-appropriate individualized plan that increases
10 skill and interest in physical activity and health.

11 (b) Disabled students.--School entities every year shall
12 provide adapted physical education to every student with
13 documented medical conditions and disabilities.

14 (c) Elementary schools.--Elementary schools shall provide
15 150 minutes of physical education per week.

16 (d) Middle and secondary schools.--Middle and secondary
17 schools shall provide 225 minutes of physical education per
18 week.

19 (e) Class time.--Physical education must devote at least 50%
20 of class time to moderate to vigorous physical activity either
21 indoors or outdoors, weather permitting.

22 (f) Curriculum.--The physical education curriculum must meet
23 the following criteria:

24 (1) Be consistent with the standards contained in
25 Chapter 4, Appendix D of the National Standards for Physical
26 Education and the Academic Standards for Health, Safety and
27 Physical Education.

28 (2) Maintain student/teacher ratio for physical
29 education class comparable with other classes at all grade
30 levels.

1 (3) Meet the needs of all students, including those who
2 are not athletically gifted.

3 (4) Actively teach cooperation and fair play.

4 (5) Promote participation in physical activity outside
5 of school.

6 (6) Focus on helping students develop an active adult
7 lifestyle in high school.

8 (7) Be taught by highly qualified physical education
9 teachers who have completed accredited physical education
10 teacher education programs and are certified to teach
11 physical education according to 22 Pa.Code § 403.4 (relating
12 to highly qualified teachers).

13 Section 1306-B. Safe and adequate facilities.

14 (a) Requirement.--School entities shall provide and properly
15 maintain safe and adequate spaces, facilities, equipment and
16 supplies necessary to achieve the objectives of the physical
17 education program.

18 (b) Assessments.--Safety and hazard assessments of
19 gymnasiums, playgrounds, athletic fields and sports-related
20 equipment must be conducted as a part of the school strategic
21 plan under 22 Pa. Code § 4.13 (relating to strategic plans).
22 Identified hazards must be repaired before further use by
23 students, staff or community members.

24 (c) Reports.--School entities shall report to the department
25 on safety and hazard assessments as a part of the school
26 strategic plan under 22 Pa. Code § 4.13. School entities shall
27 keep written inspection reports on file for ten years.

28 Section 1307-B. Program and student assessment.

29 (a) Required assessment.--School entities shall regularly
30 assess all students to measure individual attainment of physical

1 education learning objectives and individual improvement in
2 achieving fitness goals. An individual's specific level of
3 fitness determined by fitness assessments may not be used as a
4 grading tool.

5 (b) Quality assessment.--School entities shall establish and
6 oversee the ongoing implementation of a plan to assess the
7 quality of the physical activity and physical education program.

8 (c) Report.--School entities shall report on the
9 implementation of physical activity and physical education in
10 their strategic plan under 22 Pa. Code § 4.13 (relating to
11 strategic plans).

12 (d) Implementation.--The department shall monitor school
13 implementation and effectiveness of the physical activity and
14 physical education program and include recommendations for
15 improvement to the school board, school principal and school
16 wellness committee.

17 Section 2. This act shall take effect in 60 days.