
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 885 Session of
2015

INTRODUCED BY BRIGGS, READSHAW, V. BROWN, DEAN, ROZZI, BOYLE,
McNEILL, D. COSTA, BROWNLEE, SCHLOSSBERG, COHEN, KINSEY,
SCHWEYER, BRADFORD, MURT AND McCARTER, APRIL 6, 2015

REFERRED TO COMMITTEE ON EDUCATION, APRIL 6, 2015

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
19 article is established to achieve the following purposes:

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

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

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

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

16 Section 1302-B. Definitions.

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

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

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

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

1 other students receive.

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

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

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

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

14 "Physical activity." Bodily movement:

15 (1) That works muscles and uses more energy than when an
16 individual is resting.

17 (2) That enhances health and includes activities like
18 walking, running, dancing, jumping rope, swimming and yoga.

19 (3) The exertion levels of which may be measured in
20 terms of relative intensity and absolute intensity.

21 "Physical activity breaks." Brief opportunities for physical
22 activity provided throughout the day, including, but not limited
23 to, during morning or afternoon announcements and integrating
24 physical activity and movement during instruction.

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

29 "Recess." Regularly scheduled periods within the school day
30 for supervised physical activity and play.

1 "Relative intensity." The level of effort required by a
2 person to do an activity.

3 "Vigorous activity." Physical exertion that makes a person
4 sweat and breathe hard.

5 Section 1303-B. General policies.

6 A school entity shall develop, expand or improve policies
7 that:

8 (1) Encourage and support students and staff to safely
9 walk or bike to and from school as often as possible. This
10 policy can include safe pedestrian and bicycle routes, school
11 siting, student transportation, helmet use, wellness policies
12 and policy evaluation.

13 (2) Encourage the construction of new elementary schools
14 within one mile of the homes of as many students as possible.

15 (3) Encourage the construction of new middle schools and
16 high schools within two miles of the homes of as many
17 students as possible.

18 (4) Promote siting decisions that include a safety
19 assessment of pedestrian and bicycle routes around the school
20 and campus exits to safely separate automobile and bus
21 traffic from students walking and biking.

22 (5) Encourage persons on school grounds riding a bicycle
23 or other pedal-powered vehicle to wear a safety helmet that
24 meets the standards of the Federal Consumer Product Safety
25 Commission.

26 (6) Encourage school entities to incorporate active
27 commuting to school in its wellness policy as a means of
28 increasing physical activity levels. Health education and
29 physical education curricula shall include topics of
30 pedestrian and cyclist safety and traffic rules at

1 appropriate grade levels. School entities are encouraged to
2 change any existing policies that ban or discourage walking
3 or bicycling to and from school.

4 (7) Encourage school entities to establish joint use
5 agreements with local government and community agencies to
6 allow use of school facilities to encourage physical activity
7 and other activities outside of school hours as provided in
8 sections 706 and 775.

9 Section 1304-B. Physical activity program for elementary, middle
10 and high schools.

11 (a) Duty of school districts.--

12 (1) School districts, with the help of physical
13 educators, shall develop, expand or improve a comprehensive
14 school physical activity program that shall include no fewer
15 than 30 minutes of moderate to vigorous physical activity
16 occurring throughout every regular school day for every
17 child.

18 (2) Time spent in interscholastic athletics or physical
19 activity after school may not count toward the physical
20 activity requirement.

21 (b) Satisfaction of requirement.--The requirement in
22 subsection (a) may be satisfied through a combination of the
23 following:

24 (1) Quality physical education classes.

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

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

29 (i) Elementary and middle schools shall provide at
30 least 20 minutes per day of scheduled recess that

1 includes moderate to vigorous physical activity.

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

4 (iii) High schools are encouraged to offer at least
5 a 20-minute physical activity break. Activities and
6 support shall encourage moderate to vigorous physical
7 activity.

8 (iv) More than one scheduled period of physical
9 activity may be provided. The duration of each period
10 shall be sufficient to provide a significant health
11 benefit to students.

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

14 (1) Every student every year shall be encouraged to
15 achieve an additional 30 minutes of daily physical activity
16 during time spent outside of school. Participation in
17 interscholastic athletics may be used to encourage
18 achievement of the additional 30 minutes of physical
19 activity.

20 (2) Administrators, teachers and staff may not deny
21 physical activity for disciplinary reasons or to make up
22 lessons.

23 (3) Physical activity shall complement and may not be a
24 substitution for the physical education program.

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

27 Section 1305-B. Physical education.

28 (a) Duty of school entities.--

29 (1) School entities shall provide physical education to
30 every student every year, including those involved in

1 interscholastic athletics and students in alternative
2 education programs.

3 (2) Students every year shall be encouraged to develop
4 an age-appropriate individualized plan that increases skill
5 and interest in physical activity and health.

6 (b) Students with disabilities.--School entities every year
7 shall provide adapted physical education to every student with
8 documented medical conditions and disabilities.

9 (c) Elementary schools.--Elementary schools shall provide
10 150 minutes of physical education per week.

11 (d) Middle and secondary schools.--Middle and secondary
12 schools shall provide 225 minutes of physical education per
13 week.

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

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

19 (1) Be consistent with the standards contained in
20 Chapter 4, Appendix D of the National Standards for Physical
21 Education and the Academic Standards for Health, Safety and
22 Physical Education.

23 (2) Maintain student/teacher ratio for physical
24 education class comparable with other classes at all grade
25 levels.

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

28 (4) Actively teach cooperation and fair play.

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

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

3 (7) Be taught by highly qualified physical education
4 teachers who have completed accredited physical education
5 teacher education programs and are certified to teach
6 physical education according to 22 Pa. Code § 403.4 (relating
7 to highly qualified teachers).

8 Section 1306-B. Safe and adequate facilities.

9 (a) Duty of school entities.--School entities shall provide
10 and properly maintain safe and adequate spaces, facilities,
11 equipment and supplies necessary to achieve the objectives of
12 the physical education program.

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

19 (c) Reports.--School entities shall report to the department
20 on safety and hazard assessments as a part of the school
21 strategic plan under 22 Pa. Code § 4.13. School entities shall
22 keep written inspection reports on file for 10 years.

23 Section 1307-B. Program and student assessment.

24 (a) Required assessment.--

25 (1) School entities shall regularly assess all students
26 to measure individual attainment of physical education
27 learning objectives and individual improvement in achieving
28 fitness goals.

29 (2) An individual's specific level of fitness determined
30 by fitness assessments may not be used as a grading tool.

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

4 (c) Report.--School entities shall report on the
5 implementation of physical activity and physical education in
6 their strategic plan under 22 Pa. Code § 4.13 (relating to
7 strategic plans).

8 (d) Implementation.--The department shall monitor school
9 implementation and effectiveness of the physical activity and
10 physical education program and include recommendations for
11 improvement to the school board, school principal and school
12 wellness committee.

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