

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0690.01 Brita Darling

SENATE BILL 09-131

SENATE SPONSORSHIP

Romer,

HOUSE SPONSORSHIP

Massey,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT STUDENTS IN PUBLIC SCHOOLS**
102 **ENGAGE IN A CERTAIN AMOUNT OF PHYSICAL ACTIVITY EACH**
103 **WEEK.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires a school district board of education and the state charter school institute to ensure that each student in a public school of a school district or an institute charter school engages in at least 150 minutes of physical activity each week.

Allows a school district or institute charter school to utilize committees that have been created to establish and review a school's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
March 3, 2009

wellness policy or school accountability committees to implement and monitor the physical activity requirement.

Requires schools currently providing students with more than 150 minutes of physical activity each week to maintain the higher level of physical activity.

Requires a school district and the state charter school institute to report annually to the department of education the number of minutes that students are engaged in physical activity and the types of activities that are providing the physical activity.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **22-32-136.5. Children's wellness - physical activity**
5 **requirement - legislative declaration.** (1) (a) THE GENERAL ASSEMBLY
6 HEREBY FINDS THAT:

7 (I) HEALTHY CHILDREN ARE MORE LIKELY TO BE ENGAGED
8 LEARNERS, THEY DO BETTER IN SCHOOL, THEY HAVE IMPROVED
9 ATTENDANCE, AND THEY ARE LESS LIKELY TO HAVE BEHAVIORAL
10 PROBLEMS INSIDE AND OUTSIDE OF THE CLASSROOM;

11 (II) MANY STUDIES HAVE DOCUMENTED THE LINK BETWEEN THE
12 MIND AND BODY AND THE EFFECT OF MOVEMENT ON COGNITION AND
13 STIMULATED BLOOD FLOW AND OXYGEN TO A CHILD'S BRAIN;

14 (III) CHILDREN WHO ENGAGE IN PHYSICAL ACTIVITY AS PART OF
15 THE LEARNING ENVIRONMENT ARE HEALTHIER AND PROCESS INFORMATION
16 BETTER;

17 (IV) SCHOOL IS THE ONLY PLACE THAT MANY CHILDREN ARE
18 EXPOSED TO PHYSICAL ACTIVITY; AND

19 (V) ACCORDING TO THE 2007 CHILD HEALTH SURVEY CONDUCTED
20 BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE IN FOUR

1 COLORADO CHILDREN ARE OVERWEIGHT OR OBESE, AND ONLY FIFTY-SIX
2 PERCENT OF CHILDREN AND THIRTY-SEVEN PERCENT OF ADOLESCENTS
3 MEET DAILY PHYSICAL ACTIVITY RECOMMENDATIONS.

4 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, BY
5 SUPPORTING PHYSICAL ACTIVITY IN PUBLIC SCHOOLS, COLORADO WILL
6 ENSURE THAT ALL CHILDREN HAVE THE SAME ACCESS TO THE ACTIVITIES
7 THAT BUILD THEIR BODIES AND THEIR BRAINS AND SUPPORT THEIR
8 ABILITIES TO THINK, REACT, CREATE, AND LEARN.

9 EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A
10 POLICY THAT INCORPORATES A MINIMUM OF ONE HUNDRED FIFTY MINUTES
11 OF PHYSICAL ACTIVITY PER WEEK INTO THE ACTIVITY OF EACH FULL-DAY
12 ELEMENTARY SCHOOL STUDENT; EXCEPT THAT THE MINIMUM
13 REQUIREMENT FOR PHYSICAL ACTIVITY SHALL BE REDUCED TO ONE
14 HUNDRED TWENTY MINUTES PER WEEK FOR A STUDENT ATTENDING AN
15 ELEMENTARY SCHOOL THAT MEETS FEWER THAN FIVE DAYS PER WEEK.

16 EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL IMPLEMENT THE
17 POLICY BEGINNING WITH THE 2010-11 SCHOOL YEAR.

18 (b) EACH SCHOOL DISTRICT BOARD OF EDUCATION MAY REQUIRE
19 THE PERSON OR COMMITTEE IN EACH SCHOOL DESIGNATED TO ENSURE
20 THAT THE SCHOOL COMPLIES WITH THE LOCAL WELLNESS POLICY, AS
21 DESCRIBED IN SECTION 22-32-136, OR THE SCHOOL DISTRICT
22 ACCOUNTABILITY COMMITTEE AND SCHOOL ADVISORY COUNCILS CREATED
23 PURSUANT TO ARTICLE 7 OF THIS TITLE, TO REVIEW AND ADVISE THE
24 SCHOOL DISTRICT OR AN INDIVIDUAL SCHOOL REGARDING THE SCHOOL
25 DISTRICT'S OR THE INDIVIDUAL SCHOOL'S PHYSICAL ACTIVITY PLAN AND
26 COMPLIANCE WITH THIS SECTION.

27 (c) THE REQUIREMENT THAT A SCHOOL DISTRICT ADOPT A POLICY

1 CONCERNING PHYSICAL ACTIVITY PURSUANT TO THIS SECTION IS NOT
2 INTENDED TO DICTATE INSTRUCTION IN THE CLASSROOM.

3 (3) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
4 OTHERWISE REQUIRES, "PHYSICAL ACTIVITY" MAY INCLUDE, BUT NEED
5 NOT BE LIMITED TO:

- 6 (a) EXERCISE PROGRAMS;
- 7 (b) FITNESS BREAKS;
- 8 (c) RECESS;
- 9 (d) FIELD TRIPS THAT INCLUDE PHYSICAL ACTIVITY; ==
- 10 (e) CLASSROOM ACTIVITIES THAT INCLUDE PHYSICAL ACTIVITY;
- 11 AND
- 12 (f) PHYSICAL EDUCATION CLASSES.

13 (4) A SCHOOL THAT, PRIOR TO JANUARY 1, 2009, PROVIDES MORE
14 THAN ONE HUNDRED FIFTY MINUTES OF PHYSICAL ACTIVITY FOR EACH
15 STUDENT EACH WEEK SHALL NOT DECREASE THE AMOUNT OF PHYSICAL
16 ACTIVITY AS A RESULT OF THE REQUIREMENT IN PARAGRAPH (a) OF
17 SUBSECTION (2) OF THIS SECTION.

18 (5) A SCHOOL SHALL NOT SUBSTITUTE PHYSICAL ACTIVITY FOR
19 PHYSICAL EDUCATION INSTRUCTION.

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21 **SECTION 2.** 22-30.5-505, Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW SUBSECTION to read:

23 **22-30.5-505. State charter school institute - institute board -**
24 **appointment - powers and duties - rules.** (14) THE INSTITUTE SHALL
25 ADOPT AND IMPLEMENT A POLICY CONCERNING PHYSICAL ACTIVITY FOR
26 STUDENTS AT AN INSTITUTE CHARTER SCHOOL AS DESCRIBED IN SECTION
27 22-32-136.5.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly that is
4 allowed for submitting a referendum petition pursuant to article V,
5 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
6 sine die is on May 6, 2009); except that, if a referendum petition is filed
7 against this act or an item, section, or part of this act within such period,
8 then the act, item, section, or part, if approved by the people, shall take
9 effect on the date of the official declaration of the vote thereon by
10 proclamation of the governor.