

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0354.01 Julie Pelegrin

HOUSE BILL 11-1069

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HOUSE SPONSORSHIP

Massey and Fields,

SENATE SPONSORSHIP

(None),

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE PHYSICAL ACTIVITY IN PUBLIC  
102 SCHOOLS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)*

The bill directs each school district board of education and the state charter school institute to adopt a policy that incorporates a minimum number of minutes of physical activity each week into each elementary school student's schedule. Each school district and the state charter school institute must report to the department of education

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.*

(department) specified information concerning the incorporation of physical activity into the school day, including during before- and after-school programming. The department must post the information on its web site, correlated with academic information through each school's school performance report.

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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) STUDIES ALSO SHOW THAT PHYSICAL ACTIVITY IMPROVES  
15 STUDENTS' ABILITY TO FOCUS AND DECREASES THE SYMPTOMS OF  
16 ATTENTION DEFICIT DISORDER AND RELATED CONDITIONS;

17           (IV) CHILDREN WHO ENGAGE IN PHYSICAL ACTIVITY AS PART OF  
18 THE LEARNING ENVIRONMENT ARE HEALTHIER AND PROCESS INFORMATION  
19 BETTER;

20           (V) THE GROWING TREND OF CHILDHOOD OBESITY IS ALSO  
21 BEGINNING TO AFFECT THE COUNTRY'S MILITARY PREPAREDNESS. RECENT  
22 REPORTS SHOW THAT, NATIONALLY, APPROXIMATELY ONE-THIRD OF ALL  
23 POTENTIAL MILITARY RECRUITS ARE INELIGIBLE TO JOIN BECAUSE THEY

1 ARE OVERWEIGHT AND OUT OF SHAPE;

2 (VI) SCHOOL IS THE ONLY PLACE THAT MANY CHILDREN ARE  
3 EXPOSED TO PHYSICAL ACTIVITY;

4 (VII) ACCORDING TO THE 2009 CHILD HEALTH SURVEY  
5 CONDUCTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
6 ONE IN FOUR COLORADO CHILDREN ARE OVERWEIGHT OR OBESE, AND  
7 ONLY FIFTY-THREE AND FIVE TENTHS PERCENT OF CHILDREN MEET DAILY  
8 PHYSICAL ACTIVITY RECOMMENDATIONS; AND

9 (VIII) BETWEEN 2003 AND 2007, COLORADO'S CHILD OBESITY  
10 NATIONAL RANKING DROPPED FROM THIRD LEANEST IN THE COUNTRY TO  
11 TWENTY-THIRD, AND THE NUMBER OF OBESE CHILDREN IN COLORADO TEN  
12 TO SEVENTEEN YEARS OF AGE INCREASED FROM FORTY-EIGHT THOUSAND  
13 TO SEVENTY-TWO THOUSAND.

14 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, BY  
15 SUPPORTING PHYSICAL ACTIVITY IN PUBLIC SCHOOLS, COLORADO WILL  
16 ENSURE THAT ALL CHILDREN HAVE ACCESS TO ACTIVITIES THAT BUILD  
17 THEIR BODIES AND THEIR BRAINS AND SUPPORT THEIR ABILITIES TO THINK,  
18 REACT, CREATE, AND LEARN.

19 (2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
20 OTHERWISE REQUIRES, "PHYSICAL ACTIVITY" MAY INCLUDE, BUT NEED  
21 NOT BE LIMITED TO:

22 (a) EXERCISE PROGRAMS;

23 (b) FITNESS BREAKS;

24 (c) RECESS;

25 (d) FIELD TRIPS THAT INCLUDE PHYSICAL ACTIVITY;

26 (e) CLASSROOM ACTIVITIES THAT INCLUDE PHYSICAL ACTIVITY;

27 AND

1 (f) PHYSICAL EDUCATION CLASSES.

2 (3) (a) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL  
3 ADOPT A POLICY THAT INCORPORATES A MINIMUM OF ONE HUNDRED FIFTY  
4 MINUTES OF PHYSICAL ACTIVITY PER WEEK INTO THE SCHEDULE OF EACH  
5 FULL-DAY ELEMENTARY SCHOOL STUDENT OR THIRTY MINUTES OF  
6 PHYSICAL ACTIVITY PER SCHOOL DAY FOR EACH STUDENT ENROLLED IN AN  
7 ELEMENTARY SCHOOL THAT MEETS FEWER THAN FIVE DAYS PER WEEK.  
8 EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL IMPLEMENT THE  
9 POLICY BEGINNING WITH THE 2011-12 SCHOOL YEAR.

10 (b) EACH SCHOOL DISTRICT BOARD OF EDUCATION MAY REQUIRE  
11 THE PERSON OR COMMITTEE IN EACH SCHOOL DESIGNATED TO ENSURE  
12 THAT THE SCHOOL COMPLIES WITH THE LOCAL WELLNESS POLICY, AS  
13 DESCRIBED IN SECTION 22-32-136, OR THE SCHOOL DISTRICT  
14 ACCOUNTABILITY COMMITTEE AND SCHOOL ACCOUNTABILITY  
15 COMMITTEES CREATED PURSUANT TO ARTICLE 11 OF THIS TITLE TO REVIEW  
16 AND ADVISE THE SCHOOL DISTRICT OR AN INDIVIDUAL SCHOOL REGARDING  
17 THE SCHOOL DISTRICT'S OR THE INDIVIDUAL SCHOOL'S PHYSICAL ACTIVITY  
18 PLAN AND COMPLIANCE WITH THIS SECTION.

19 (c) THE EXPECTATION THAT A SCHOOL DISTRICT ADOPT A POLICY  
20 CONCERNING PHYSICAL ACTIVITY PURSUANT TO THIS SECTION IS NOT  
21 INTENDED TO DICTATE INSTRUCTION IN THE CLASSROOM.

22 (d) A SCHOOL THAT, PRIOR TO JANUARY 1, 2011, PROVIDES MORE  
23 THAN ONE HUNDRED FIFTY MINUTES OF PHYSICAL ACTIVITY FOR EACH  
24 STUDENT EACH WEEK SHALL NOT DECREASE THE AMOUNT OF PHYSICAL  
25 ACTIVITY AS A RESULT OF THE POLICY SPECIFIED IN PARAGRAPH (a) OF  
26 THIS SUBSECTION (3).

27 (e) A SCHOOL SHALL NOT SUBSTITUTE PHYSICAL ACTIVITY FOR

1 PHYSICAL EDUCATION INSTRUCTION.

2 (4) (a) EACH SCHOOL DISTRICT SHALL ANNUALLY REPORT TO THE  
3 DEPARTMENT OF EDUCATION INFORMATION REQUIRED BY RULE OF THE  
4 STATE BOARD OF EDUCATION CONCERNING THE INCORPORATION OF  
5 PHYSICAL ACTIVITY INTO THE SCHOOL DAY, INCLUDING DURING BEFORE-  
6 AND AFTER-SCHOOL PROGRAMMING. AT A MINIMUM, THE RULES SHALL  
7 REQUIRE THE FOLLOWING INFORMATION FOR EACH PUBLIC SCHOOL OF THE  
8 SCHOOL DISTRICT:

9 (I) THE PHYSICAL EDUCATION CURRICULUM, IF ANY, USED BY THE  
10 SCHOOL;

11 (II) THE NUMBER OF MINUTES PER WEEK THAT STUDENTS SPEND  
12 ENGAGED AT SCHOOL IN EACH OF THE ACTIVITIES SPECIFIED IN SUBSECTION  
13 (2) OF THIS SECTION; AND

14 (III) THE QUALIFICATIONS OF THE PERSONS WHO SUPERVISE  
15 STUDENTS WHILE THE STUDENTS ARE ENGAGED IN PHYSICAL ACTIVITY.

16 (b) EACH SCHOOL DISTRICT SHALL ALSO REPORT TO THE  
17 DEPARTMENT OF EDUCATION A LIST OF THE FACILITIES AND RESOURCES  
18 USED FOR PHYSICAL ACTIVITIES AT EACH OF THE PUBLIC SCHOOLS OF THE  
19 SCHOOL DISTRICT.

20 (c) THE DEPARTMENT OF EDUCATION SHALL REPORT THE  
21 INFORMATION COLLECTED PURSUANT TO THIS SUBSECTION (4) ON THE  
22 DATA PORTAL MAINTAINED PURSUANT TO SECTION 22-11-502 AND SHALL  
23 CORRELATE THE INFORMATION WITH THE ACADEMIC PERFORMANCE  
24 INFORMATION FOR EACH OF THE PUBLIC SCHOOLS.

25 (d) THE DEPARTMENT OF EDUCATION MAY SOLICIT, ACCEPT, AND  
26 EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS TO OFFSET  
27 THE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THIS

1 SUBSECTION (4).

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

4 **22-30.5-505. State charter school institute - institute board -**  
5 **appointment - powers and duties - rules - repeal.** (18) (a) THE  
6 INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY CONCERNING  
7 PHYSICAL ACTIVITY FOR STUDENTS ENROLLED IN INSTITUTE CHARTER  
8 SCHOOL AS DESCRIBED IN SECTION 22-32-136.5.

9 (b) (I) THE INSTITUTE SHALL ANNUALLY REPORT TO THE  
10 DEPARTMENT OF EDUCATION INFORMATION REQUIRED BY RULE OF THE  
11 STATE BOARD CONCERNING THE INCORPORATION OF PHYSICAL ACTIVITY,  
12 AS DESCRIBED IN SECTION 22-32-136.5 (2), INTO THE SCHOOL DAY,  
13 INCLUDING DURING BEFORE- AND AFTER-SCHOOL PROGRAMMING. AT A  
14 MINIMUM, THE RULES SHALL REQUIRE THE FOLLOWING INFORMATION FOR  
15 EACH INSTITUTE CHARTER SCHOOL:

16 (A) THE PHYSICAL EDUCATION CURRICULUM, IF ANY, USED BY THE  
17 INSTITUTE CHARTER SCHOOL;

18 (B) THE NUMBER OF MINUTES PER WEEK THAT STUDENTS SPEND  
19 ENGAGED AT SCHOOL IN EACH OF THE ACTIVITIES SPECIFIED IN SECTION  
20 22-32-136.5 (2); AND

21 (C) THE QUALIFICATIONS OF THE PERSONS WHO SUPERVISE  
22 STUDENTS WHILE THE STUDENTS ARE ENGAGED IN PHYSICAL ACTIVITY.

23 (II) THE INSTITUTE SHALL ALSO REPORT TO THE DEPARTMENT OF  
24 EDUCATION A LIST OF THE FACILITIES AND RESOURCES USED FOR PHYSICAL  
25 ACTIVITIES AT EACH OF THE INSTITUTE CHARTER SCHOOLS IN THE STATE.

26 (c) THE DEPARTMENT OF EDUCATION SHALL REPORT THE  
27 INFORMATION COLLECTED PURSUANT TO PARAGRAPH (b) OF THIS

1 SUBSECTION (18) ON THE DATA PORTAL MAINTAINED PURSUANT TO  
2 SECTION 22-11-502 AND SHALL CORRELATE THE INFORMATION WITH THE  
3 ACADEMIC PERFORMANCE INFORMATION FOR EACH OF THE INSTITUTE  
4 CHARTER SCHOOLS.

5 (d) THE DEPARTMENT OF EDUCATION MAY SOLICIT, ACCEPT, AND  
6 EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS TO OFFSET  
7 THE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING  
8 PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (18).

9 **SECTION 3.** 22-11-503 (3) (g), Colorado Revised Statutes, is  
10 amended to read:

11 **22-11-503. Performance reports - contents - rules.** (3) In  
12 addition to any information specified by rule of the state board, each  
13 school performance report shall include the following information  
14 concerning the operations and environment of the public school that is the  
15 subject of the report:

16 (g) Information, as described in state board rule, concerning  
17 programs and services that are available at the public school to support  
18 student health and wellness, INCLUDING AT A MINIMUM THE INFORMATION  
19 SPECIFIED IN SECTIONS 22-30.5-505 (18) (b) AND 22-32-136.5 (4).

20 **SECTION 4. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.