

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

REVISED

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

LLS NO. 11-0354.01 Julie Pelegrin

HOUSE BILL 11-1069

HOUSE SPONSORSHIP

Massey and Fields,

SENATE SPONSORSHIP

Aguilar,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

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/billsummaries>.)

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.

SENATE
Am ended 2nd Reading
March 11, 2011

HOUSE
3rd Reading Unam ended
February 15, 2011

HOUSE
Am ended 2nd Reading
February 14, 2011

(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.

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) STATISTICS SHOW THAT BOYS, USUALLY DUE TO THEIR HIGH
18 ENERGY LEVELS, ARE MORE LIKELY TO BE MISDIAGNOSED AS HAVING
19 ATTENTION DEFICIT HYPERACTIVITY DISORDER AND NEEDING SPECIAL
20 EDUCATION SERVICES. INCREASING THE OPPORTUNITY FOR PHYSICAL
21 ACTIVITY DURING THE SCHOOL DAY MAY DECREASE THE LIKELIHOOD THAT
22 BOYS ARE ERRONEOUSLY IDENTIFIED AS NEEDING SPECIAL EDUCATION
23 SERVICES, THEREBY SAVING MONEY FOR SCHOOLS AND IMPROVING

1 OUTCOMES FOR THE STUDENTS.

2 (V) CHILDREN WHO ENGAGE IN PHYSICAL ACTIVITY AS PART OF
3 THE LEARNING ENVIRONMENT ARE HEALTHIER AND PROCESS INFORMATION
4 BETTER;

5 (VI) THE GROWING TREND OF CHILDHOOD OBESITY IS ALSO
6 BEGINNING TO AFFECT THE COUNTRY'S MILITARY PREPAREDNESS. RECENT
7 REPORTS SHOW THAT, NATIONALLY, APPROXIMATELY ONE-THIRD OF ALL
8 POTENTIAL MILITARY RECRUITS ARE INELIGIBLE TO JOIN BECAUSE THEY
9 ARE OVERWEIGHT AND OUT OF SHAPE;

10 (VII) SCHOOL IS THE ONLY PLACE THAT MANY CHILDREN ARE
11 EXPOSED TO PHYSICAL ACTIVITY;

12 (VIII) ACCORDING TO THE 2009 CHILD HEALTH SURVEY
13 CONDUCTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
14 ONE IN FOUR COLORADO CHILDREN ARE OVERWEIGHT OR OBESE, AND
15 ONLY FIFTY-THREE AND FIVE TENTHS PERCENT OF CHILDREN MEET DAILY
16 PHYSICAL ACTIVITY RECOMMENDATIONS; AND

17 (IX) BETWEEN 2003 AND 2007, COLORADO'S CHILD OBESITY
18 NATIONAL RANKING DROPPED FROM THIRD LEANEST IN THE COUNTRY TO
19 TWENTY-THIRD, AND THE NUMBER OF OBESE CHILDREN IN COLORADO TEN
20 TO SEVENTEEN YEARS OF AGE INCREASED FROM FORTY-EIGHT THOUSAND
21 TO SEVENTY-TWO THOUSAND.

22 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, BY
23 SUPPORTING PHYSICAL ACTIVITY IN PUBLIC SCHOOLS, COLORADO WILL
24 ENSURE THAT ALL CHILDREN HAVE ACCESS TO ACTIVITIES THAT BUILD
25 THEIR BODIES AND THEIR BRAINS AND SUPPORT THEIR ABILITIES TO THINK,
26 REACT, CREATE, AND LEARN.

27 (2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT

1 OTHERWISE REQUIRES, "PHYSICAL ACTIVITY" MAY INCLUDE, BUT NEED
2 NOT BE LIMITED TO:

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

10 (3) (a) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL
11 ADOPT A PHYSICAL ACTIVITY POLICY THAT INCORPORATES INTO THE
12 SCHEDULE OF EACH STUDENT ATTENDING AN ELEMENTARY SCHOOL THE
13 OPPORTUNITY FOR THE STUDENT TO ENGAGE IN:

14 (I) A MINIMUM OF SIX HUNDRED MINUTES OF PHYSICAL ACTIVITY
15 PER MONTH IF THE CLASSES AT THE SCHOOL MEET FIVE DAYS PER WEEK
16 AND THE STUDENT ATTENDS SCHOOL FOR A FULL DAY;

17 (II) A MINIMUM OF THREE HUNDRED MINUTES OF PHYSICAL
18 ACTIVITY PER MONTH IF THE CLASSES AT THE SCHOOL MEET FIVE DAYS PER
19 WEEK AND THE STUDENT ATTENDS SCHOOL FOR A HALF DAY;

20 (III) A MINIMUM OF THIRTY MINUTES OF PHYSICAL ACTIVITY PER
21 DAY IF THE CLASSES AT THE SCHOOL MEET FEWER THAN FIVE DAYS PER
22 WEEK AND THE STUDENT ATTENDS SCHOOL FOR A FULL DAY; AND

23 (IV) A MINIMUM OF FIFTEEN MINUTES OF PHYSICAL ACTIVITY PER
24 DAY IF THE CLASSES AT THE SCHOOL MEET FEWER THAN FIVE DAYS PER
25 WEEK AND THE STUDENT ATTENDS SCHOOL FOR A HALF DAY.

26 (b) THE PHYSICAL ACTIVITY POLICY MAY INCLUDE AN EXCEPTION
27 FOR ANY MONTH THAT INCLUDES A PLANNED OR UNPLANNED FULL-DAY OR

1 HALF-DAY SCHOOL CLOSURE.

2 (c) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL
3 IMPLEMENT THE PHYSICAL ACTIVITY POLICY BEGINNING WITH THE 2011-12
4 SCHOOL YEAR.

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

14 (e) THE EXPECTATION THAT A SCHOOL DISTRICT ADOPT A POLICY
15 CONCERNING PHYSICAL ACTIVITY PURSUANT TO THIS SECTION IS NOT
16 INTENDED TO DICTATE INSTRUCTION IN THE CLASSROOM.

17 (f) A SCHOOL THAT, PRIOR TO JANUARY 1, 2011, PROVIDES MORE
18 THAN THE MINIMUM MINUTES SPECIFIED IN PARAGRAPH (a) OF THIS
19 SUBSECTION (3) SHALL NOT DECREASE THE AMOUNT OF PHYSICAL
20 ACTIVITY AS A RESULT OF THE POLICY SPECIFIED IN PARAGRAPH (a) OF
21 THIS SUBSECTION (3); EXCEPT THAT THE SCHOOL MAY DECREASE ITS
22 REQUIRED MINUTES OF PHYSICAL ACTIVITY IN RESPONSE TO BUDGETARY
23 CONSTRAINTS, SO LONG AS THE SCHOOL COMPLIES WITH THE
24 REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3).

25 (g) A SCHOOL SHALL NOT SUBSTITUTE NONINSTRUCTIONAL
26 PHYSICAL ACTIVITY FOR STANDARDS-BASED PHYSICAL EDUCATION
27 INSTRUCTION.

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

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules - repeal. (18) ■ THE INSTITUTE SHALL ENSURE THAT EACH INSTITUTE CHARTER SCHOOL, WORKING WITH ITS SCHOOL ACCOUNTABILITY COMMITTEE, ADOPTS AND IMPLEMENTS A POLICY CONCERNING PHYSICAL ACTIVITY FOR STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL, WHICH POLICY MEETS THE REQUIREMENTS SPECIFIED IN SECTION 22-32-136.5.

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

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

(g) Information, as described in state board rule, concerning programs and services that are available at the public school to support student health and wellness. THE STATE BOARD IS ENCOURAGED TO INCLUDE IN THE SCHOOL PERFORMANCE REPORT INFORMATION CONCERNING EACH SCHOOL DISTRICT'S AND EACH PUBLIC SCHOOL'S INCORPORATION OF PHYSICAL ACTIVITY INTO THE SCHOOL DAY.

SECTION 4. Safety clause. The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.