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.
(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.

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

SECTION 1. Article 32 of title 22, Colorado Revised Statutes, is amended by the addition of a new section to read:

22-32-136.5. Children's wellness - physical activity requirement - legislative declaration. (1) (a) The general assembly hereby finds that:

(I) Healthy children are more likely to be engaged learners, they do better in school, they have improved attendance, and they are less likely to have behavioral problems inside and outside of the classroom;

(II) Many studies have documented the link between the mind and body and the effect of movement on cognition and stimulated blood flow and oxygen to a child's brain;

(III) Studies also show that physical activity improves students' ability to focus and decreases the symptoms of attention deficit disorder and related conditions;

(IV) Children who engage in physical activity as part of the learning environment are healthier and process information better;

(V) The growing trend of childhood obesity is also beginning to affect the country's military preparedness. Recent reports show that, nationally, approximately one-third of all potential military recruits are ineligible to join because they
ARE OVERWEIGHT AND OUT OF SHAPE;

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

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

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

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

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

(a) EXERCISE PROGRAMS;

(b) FITNESS BREAKS;

(c) RECESS;

(d) FIELD TRIPS THAT INCLUDE PHYSICAL ACTIVITY;

(e) CLASSROOM ACTIVITIES THAT INCLUDE PHYSICAL ACTIVITY;
PHYSICAL EDUCATION CLASSES.

(3) (a) Each school district board of education shall adopt a policy that incorporates a minimum of one hundred fifty minutes of physical activity per week into the schedule of each full-day elementary school student or thirty minutes of physical activity per school day for each student enrolled in an elementary school that meets fewer than five days per week. Each school district board of education shall implement the policy beginning with the 2011-12 school year.

(b) Each school district board of education may require the person or committee in each school designated to ensure that the school complies with the local wellness policy, as described in section 22-32-136, or the school district accountability committee and school accountability committees created pursuant to article 11 of this title to review and advise the school district or an individual school regarding the school district's or the individual school's physical activity plan and compliance with this section.

(c) The expectation that a school district adopt a policy concerning physical activity pursuant to this section is not intended to dictate instruction in the classroom.

(d) A school that, prior to January 1, 2011, provides more than one hundred fifty minutes of physical activity for each student each week shall not decrease the amount of physical activity as a result of the policy specified in paragraph (a) of this subsection (3).

(e) A school shall not substitute physical activity for
PHYSICAL EDUCATION INSTRUCTION.

(4) (a) Each school district shall annually report to the department of education information required by rule of the state board of education concerning the incorporation of physical activity into the school day, including during before- and after-school programming. At a minimum, the rules shall require the following information for each public school of the school district:

(I) The physical education curriculum, if any, used by the school;

(II) The number of minutes per week that students spend engaged at school in each of the activities specified in subsection (2) of this section; and

(III) The qualifications of the persons who supervise students while the students are engaged in physical activity.

(b) Each school district shall also report to the department of education a list of the facilities and resources used for physical activities at each of the public schools of the school district.

(c) The department of education shall report the information collected pursuant to this subsection (4) on the data portal maintained pursuant to section 22-11-502 and shall correlate the information with the academic performance information for each of the public schools.

(d) The department of education may solicit, accept, and expend public and private gifts, grants, and donations to offset the costs incurred by the department in implementing this
SUBSECTION (4).

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) (a) The institute shall adopt and implement a policy concerning physical activity for students enrolled in institute charter school as described in section 22-32-136.5.

(b) (I) The institute shall annually report to the department of education information required by rule of the state board concerning the incorporation of physical activity, as described in section 22-32-136.5 (2), into the school day, including during before- and after-school programming. At a minimum, the rules shall require the following information for each institute charter school:

(A) The physical education curriculum, if any, used by the institute charter school;

(B) The number of minutes per week that students spend engaged at school in each of the activities specified in section 22-32-136.5 (2); and

(C) The qualifications of the persons who supervise students while the students are engaged in physical activity.

(II) The institute shall also report to the department of education a list of the facilities and resources used for physical activities at each of the institute charter schools in the state.

(c) The department of education shall report the information collected pursuant to paragraph (b) of this
SUBSECTION (18) ON THE DATA PORTAL MAINTAINED PURSUANT TO
SECTION 22-11-502 AND SHALL CORRELATE THE INFORMATION WITH THE
ACADEMIC PERFORMANCE INFORMATION FOR EACH OF THE INSTITUTE
CHARTER SCHOOLS.

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

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, INCLUDING AT A MINIMUM THE INFORMATION
SPECIFIED IN SECTIONS 22-30.5-505 (18) (b) AND 22-32-136.5 (4).

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