S T A T E O F N E W Y O R K

4695

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. ROBINSON -- read once and referred to the Committee on Education

AN ACT directing the commissioner of education to create a pilot program to improve physical education/physical activity programs in certain schools; and providing for the repeal of such provision upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The United States is confronting a devastating obesity epidemic. The primary causes of childhood obesity - lack of physical activity and poor diet - continue to permeate youth culture and will diminish hundreds of thousands more lives and cost billions more dollars if left un-reversed. 26.5% of adults in New York report that they do not engage in any physical activity compared to the national average of 22%. More than 700,000 New York City residents have diabetes, most of those suffer from type 2 diabetes, a devastating disease primarily caused by lack of physical activity and poor diet. Type 2 diabetes is expected to afflict one in three American children born in and after 2000. The medical cost of treating diabetics in New York City is almost half a billion dollars a year; the human toll and loss of workplace productivity is incalculable. Overweight youth 10-15 years old have an 80% chance of becoming an obese adult by age 25. 43% of all NYC elementary school students are overweight or obese. Student-teacher ratios for physical education in New York City are an estimated 730 to 1. While New York state requires physical fitness education in schools, many schools have difficulties implementing the requirements due to limited resources in funding and/or space.

S 2. (a) The commissioner of education is hereby directed to establish a physical education/physical activity pilot program. The department of education shall select at least ten public elementary, middle or high schools in the state to participate in a two year pilot program aimed at

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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improving physical education and physical activity programs in such schools. The department may expand such program to additional public schools upon request and available funding. Seventy-five percent of the schools selected shall be located in the city of New York and the remaining shall be selected based upon the criteria set forth in this act. Each participating school shall be required to provide at least 45 minutes per week of a combination of physical education and physical activity for each student. A pilot school shall not be penalized in any manner if a reasonable attempt has been made to provide the program to each student.

(b) The program shall be administered through a contract with an outside entity that is able to provide:

(1) a minimum of 45 minutes of activity per week for each student;

(2) a proven track record of effectiveness;

(3) flexibility in providing services, either before, during or after school hours;

(4) physical education, in addition to nutrition and health education;

(5) a system of accountability and transparency;

(6) on-going support and training services; and

(7) incentives and awards for good performance for individuals, classes and schools.

(c) The pilot program established by this act may be run in coordination with the Road Runner Mighty Milers program, a school-based program combining daily aerobic activities with personalized goal-setting, nutrition, academic, and health education components available at-site and on-line, established by the New York Road Runners Foundation.

(d) The education department may accept applications for participation in the pilot program from schools meeting the following criteria:

(1) at least 50% of the students qualify for federal free and reduced lunches;

(2) the school has demonstrated limited facilities and/or resources to implement a physical education program; and

(3) the school will be able to provide a "site coordinator" including but not limited to a member of the facility or member of a parent/teacher organization.

(e) The department of education shall conduct an evaluation of the pilot program which may be done in collaboration with an outside entity and shall report preliminary findings by May 15, 2010 and a final report by July 15, 2010 to the governor and the legislature.

S 3. Funding for the physical education/physical activity pilot program shall be provided through appropriations to the department of education.

S 4. This act shall take effect immediately; provided that the pilot program established by section two of this act shall be administered in the 2009-2010 and 2010-2011 school years; and provided further that the provisions of this act shall expire and be deemed repealed on and after June 30, 2011.