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

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I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ORTIZ, GALEF, MORELLE, P. RIVERA, PAULIN, BENEDETTO, HOYT, ENGLEBRIGHT, CLARK, CARROZZA -- Multi-Sponsored by -- M. of A. BARRA, BOYLAND, BRENNAN, GOTTFRIED, HEASTIE, KOON, LENTOL, LIFTON, LUPARDO, MAGNARELLI, MILLMAN, PHEFFER, QUINN, REILLY, J. RIVERA, ROBINSON, STIRPE, SWEENEY, TITUS, TOWNS, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the required instruction in physical education in elementary schools

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

Section 1. Legislative intent. The legislature hereby finds that physically active, healthy kids are better positioned to attain a higher level of academic achievement. The importance of physical education in the health of young people has long been a part of the health objectives of the state. It is well documented that school-age youths need at least 60 minutes of moderate to vigorous physical activity every day and the school environment plays an important role in helping to facilitate achievement of this physical activity level for children. Physical education instruction is the cornerstone of a comprehensive school physical activity program that also includes health education, elementary school recess, after-school physical activity clubs and intramurals, high school interscholastic athletics, walk/bike to school programs, and staff wellness programs. Physical education is a planned instructional program with specified objectives. An essential part of the total curriculum, physical education programs increase the physical competence, health-related fitness, self-responsibility, and enjoyment of physical activity for all students so that they can establish physical activity as a natural part of everyday life. In a time of increasing health risks and health care costs, prevention is key and exemplary physical education programs that provide daily physical activity oppor-

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

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tunities should be part of the solution for inactivity, obesity, and related chronic diseases.

S 2. Subdivision 5 of section 803 of the education law, as amended by chapter 118 of the laws of 1957, is amended to read as follows:

5. It shall be the duty of the regents to adopt rules determining the subjects to be included in courses of physical education provided for in this section, the period of instruction in each of such courses, the qualifications of teachers, and the attendance upon such courses of instruction. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE REGENTS SHALL PROVIDE IN ITS RULES THAT THE PHYSICAL EDUCATION INSTRUCTION REQUIREMENT FOR STUDENTS ENROLLED IN ELEMENTARY SCHOOL GRADES SHALL, WHERE FEASIBLE, INCLUDE DAILY PHYSICAL EDUCATION, INCLUDING STUDENTS WITH DISABLING CONDITIONS AND THOSE IN ALTERNATIVE EDUCATION PROGRAMS. THE REGENTS SHALL INCLUDE IN ITS RULES THAT STUDENTS ENROLLED IN ELEMENTARY SCHOOLS SHALL PARTICIPATE IN PHYSICAL EDUCATION FOR A MINIMUM OF ONE HUNDRED FIFTY MINUTES DURING EACH SCHOOL WEEK. THE REGENTS SHALL PROVIDE FOR A THREE YEAR PHASE-IN SCHEDULE FOR DAILY PHYSICAL EDUCATION IN ELEMENTARY SCHOOLS IN ITS RULES.

S 3. This act shall take effect immediately; provided, however, the three year phase-in required by subdivision 5 of section 803 of the education law as amended by section two of this act shall be completed no later than July 1, 2012.