

2905

2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sens. FLANAGAN, DeFRANCISCO, RANZENHOFER, ROBACH, VOLKER,
YOUNG -- read twice and ordered printed, and when printed to be
committed to the Committee on Education

AN ACT to amend the education law, in relation to the required instruc-
tion in physical education in elementary schools

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

1 Section 1. Legislative intent. The legislature hereby finds that phys-
2 ically active, healthy kids are better positioned to attain a higher
3 level of academic achievement. The importance of physical education in
4 the health of young people has long been a part of the health objectives
5 of the state. It is well documented that school-age youths need at least
6 60 minutes of moderate to vigorous physical activity every day and the
7 school environment plays an important role in helping to facilitate
8 achievement of this physical activity level for children. Physical
9 education instruction is the cornerstone of a comprehensive school phys-
10 ical activity program that also includes health education, elementary
11 school recess, after-school physical activity clubs and intramurals,
12 high school interscholastic athletics, walk/bike to school programs, and
13 staff wellness programs. Physical education is a planned instructional
14 program with specified objectives. An essential part of the total
15 curriculum, physical education programs increase the physical compe-
16 tence, health-related fitness, self-responsibility, and enjoyment of
17 physical activity for all students so that they can establish physical
18 activity as a natural part of everyday life. In a time of increasing
19 health risks and health care costs, prevention is key and exemplary
20 physical education programs that provide daily physical activity oppor-
21 tunities should be part of the solution for inactivity, obesity, and
22 related chronic diseases.

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

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

LBD03398-02-9

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

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