

3902

2011-2012 Regular Sessions

I N S E N A T E

March 9, 2011

Introduced by Sen. PARKER -- 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 requiring instruction in physical education in certain elementary and secondary schools

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

1 Section 1. Legislative intent. (i) The legislature hereby finds and
2 declares that the health and physical activity of its children and youth
3 are and have been a long-standing health objective of the state. Against
4 a background of epidemic levels of child obesity, in which at least 1
5 out of 3 children is now considered overweight or obese, physical educa-
6 tion has become even more particularly important in the role it plays in
7 the state's health objectives for its children and youths.
8 (ii) According to the Centers for Disease Control and Prevention
9 (CDC), the academic success of America's youth is strongly linked with
10 their health. Furthermore, the CDC has studied and documented that
11 students who engage in sixty minutes or more of physical activity five
12 or more days per week do better in school. Research also indicates that
13 obese children and youth have higher absenteeism and lower reading
14 proficiency scores than their non-obese peers.
15 (iii) Although it may be correlation and not causation, many kids are
16 spending less time exercising and more time in front of the TV, comput-
17 er, or video-game console. And today's busy families have fewer free
18 moments to prepare nutritious, home-cooked meals. From fast food to
19 electronics, quick and easy is the reality for many people in the new
20 millennium.
21 (iv) Our schools are uniquely positioned to meet children's and
22 youth's physical activity needs. Physical education can be the corner-
23 stone of building healthier student bodies, healthier neighborhoods and
24 higher achievement. This is true in physical education's role as an
25 integral part of a school's instruction, health education classes,

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

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1 elementary and secondary school recess, after-school activity clubs,
2 intramural or interscholastic programs. Taken together, these sorts of
3 activities can raise children's and youth's self-esteem, physical compe-
4 tence, and open new careers and activities to them.

5 (v) The legislature finds and declares therefore that mandatory phys-
6 ical education in schools is a key part of protecting the health of our
7 children and youth, the adults into which they will grow, and an impor-
8 tant tool in preventing the myriad diseases plaguing New York that
9 derive from child obesity and lack of physical activity.

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

12 5. (A) It shall be the duty of the regents to adopt rules determining
13 the subjects to be included in courses of physical education provided
14 for in this section, the period of instruction in each of such courses,
15 the qualifications of teachers, and the attendance upon such courses of
16 instruction. (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
17 THE REGENTS SHALL PROVIDE IN ITS RULES THAT THE PHYSICAL EDUCATION
18 INSTRUCTION REQUIREMENT FOR ALL STUDENTS ENROLLED IN ELEMENTARY AND
19 SECONDARY SCHOOL GRADES IN CITIES WITH A POPULATION OF ONE MILLION OR
20 MORE SHALL, WHERE FEASIBLE, INCLUDE MANDATORY DAILY PHYSICAL EDUCATION,
21 INCLUDING STUDENTS WITH DISABLING CONDITIONS AND THOSE IN ALTERNATIVE
22 EDUCATION PROGRAMS. THE REGENTS SHALL INCLUDE IN ITS RULES THAT STUDENTS
23 ENROLLED IN SUCH ELEMENTARY AND SECONDARY SCHOOLS SHALL PARTICIPATE IN
24 PHYSICAL EDUCATION FOR A MINIMUM OF ONE HUNDRED FIFTY MINUTES DURING
25 EACH SCHOOL WEEK. THE REGENTS SHALL PROVIDE FOR A TWO-YEAR PHASE-IN
26 SCHEDULE FOR DAILY PHYSICAL EDUCATION IN ELEMENTARY SCHOOLS IN ITS
27 RULES.

28 S 3. This act shall take effect immediately; provided, however, the
29 two-year phase-in required by subdivision 5 of section 803 of the educa-
30 tion law as amended by section two of this act shall be completed no
31 later than July 1, 2014.