

1419

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 7, 2011

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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:

1     Section 1. Legislative findings and intent. The United States is  
2     confronting a devastating obesity epidemic. The primary causes of child-  
3     hood obesity - lack of physical activity and poor diet - continue to  
4     permeate youth culture and will diminish hundreds of thousands more  
5     lives and cost billions more dollars if left un-reversed. 26.5% of  
6     adults in New York report that they do not engage in any physical activ-  
7     ity compared to the national average of 22%. More than 700,000 New York  
8     City residents have diabetes, most of those suffer from type 2 diabetes,  
9     a devastating disease primarily caused by lack of physical activity and  
10    poor diet. Type 2 diabetes is expected to afflict one in three American  
11    children born in and after 2000. The medical cost of treating diabetics  
12    in New York City is almost half a billion dollars a year; the human toll  
13    and loss of workplace productivity is incalculable.     Overweight youth  
14    10-15 years old have an 80% chance of becoming an obese adult by age 25.  
15    43% of all NYC elementary school students are overweight or obese.  
16    Student-teacher ratios for physical education in New York City are an  
17    estimated 730 to 1. While New York state requires physical fitness  
18    education in schools, many schools have difficulties implementing the  
19    requirements due to limited resources in funding and/or space.  
20    S 2. (a) The commissioner of education is hereby directed to establish  
21    a physical education/physical activity pilot program. The department of  
22    education shall select at least ten public elementary, middle or high  
23    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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1 improving physical education and physical activity programs in such  
2 schools. The department may expand such program to additional public  
3 schools upon request and available funding. Seventy-five percent of the  
4 schools selected shall be located in the city of New York and the  
5 remaining shall be selected based upon the criteria set forth in this  
6 act. Each participating school shall be required to provide at least 45  
7 minutes per week of a combination of physical education and physical  
8 activity for each student. A pilot school shall not be penalized in any  
9 manner if a reasonable attempt has been made to provide the program to  
10 each student.

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

- 13 (1) a minimum of 45 minutes of activity per week for each student;
- 14 (2) a proven track record of effectiveness;
- 15 (3) flexibility in providing services, either before, during or after  
16 school hours;
- 17 (4) physical education, in addition to nutrition and health education;
- 18 (5) a system of accountability and transparency;
- 19 (6) on-going support and training services; and
- 20 (7) incentives and awards for good performance for individuals, class-  
21 es and schools.

22 (c) The pilot program established by this act may be run in coordi-  
23 nation with the Road Runner Mighty Milers program, a school-based  
24 program combining daily aerobic activities with personalized goal-set-  
25 ting, nutrition, academic, and health education components available  
26 at-site and on-line, established by the New York Road Runners Founda-  
27 tion.

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

- 30 (1) at least 50% of the students qualify for federal free and reduced  
31 lunches;
- 32 (2) the school has demonstrated limited facilities and/or resources to  
33 implement a physical education program; and
- 34 (3) the school will be able to provide a "site coordinator" including  
35 but not limited to a member of the facility or member of a  
36 parent/teacher organization.

37 (e) The department of education shall conduct an evaluation of the  
38 pilot program which may be done in collaboration with an outside entity  
39 and shall report preliminary findings by May 15, 2012 and a final report  
40 by July 15, 2012 to the governor and the legislature.

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

44 S 4. This act shall take effect immediately; provided that the pilot  
45 program established by section two of this act shall be administered in  
46 the 2011-2012 and 2012-2013 school years; and provided further that the  
47 provisions of this act shall expire and be deemed repealed on and after  
48 June 30, 2013.