

8592

I N A S S E M B L Y

January 27, 2014

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

AN ACT relating to requiring the commissioner of education to survey, examine and report about school district compliance with physical education instruction requirements in elementary and secondary grades in public schools

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

- 1 Section 1. a. The commissioner of education shall survey, examine and
2 report about school district compliance with physical education instruc-
3 tion requirements as required by laws and regulations in elementary and
4 secondary grades in all public schools. Such report shall include but
5 not be limited to the following information for each school district:
- 6 (i) how many and which schools do not have a facility, multi-purpose
7 room, non-classroom designated area, or other designated spaces that are
8 adequate for physical education instruction as required by laws and
9 regulations;
- 10 (ii) how many and which schools have a facility or other space listed
11 in paragraph (i) of this subdivision for physical education instruction
12 do not or cannot use such space for physical education instruction and
13 the reason or reasons why such space is not used for physical education;
- 14 (iii) the maximum number of students who can receive physical educa-
15 tion instruction at each school facility or area designated for physical
16 education and how many students currently receive physical education
17 instruction at each facility or designated area;
- 18 (iv) how many and which elementary schools do not (A) employ a teacher
19 or teachers certified in physical education for physical education
20 instruction or (B) designate a teacher or teachers for physical educa-
21 tion instruction;
- 22 (v) how many and which secondary schools do not employ a certified
23 physical education teacher for physical education instruction;
- 24 (vi) how many and which schools do not provide the class time for
25 physical education instruction as required by law and statute and the

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

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1 reason or reasons why the schools do not provide appropriate time for
2 such instruction; and

3 (vii) how many and which schools are not in compliance with physical
4 education instruction requirements established in laws and regulations
5 or are in violation of any physical education related laws or regu-
6 lations.

7 b. On or before July 1, 2015, the commissioner of education shall
8 report to the governor, the temporary president of the senate, the
9 speaker of the assembly, and the chairs of the senate and assembly
10 committees on education the findings required pursuant to subdivision a
11 of this section including an analysis and explanation of the data and
12 information provided in the report, and shall identify steps that the
13 education department is taking to ensure that all public schools are in
14 compliance with physical education instruction requirements in elementa-
15 ry and secondary grades.

16 S 2. This act shall take effect immediately.