

3880--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 28, 2015

Introduced by M. of A. NOLAN, FAHY, MAYER, SOLAGES, GALEF -- Multi-Sponsored by -- M. of A. STECK, THIELE -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to require school district compliance with physical education instruction requirements in elementary grades in public schools to be reported to the department of education

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 create a procedure
2 in which school district compliance with physical education instruction
3 requirements as required by law and regulation in elementary grades in
4 all public schools is reported to the department by school districts.
5 Such report shall include but not be limited to the following information
6 for each school district:
7 (i) how many and which schools do not have a facility, multi-purpose
8 room, non-classroom designated area, or other designated spaces that are
9 adequate for physical education instruction as required by law and regulation;
10
11 (ii) how many and which schools have a facility or other space listed
12 in paragraph (i) of this subdivision for physical education instruction
13 do not or cannot use such space for physical education instruction and
14 the reason or reasons why such space is not used for physical education;
15 (iii) the maximum number of students who can receive physical education
16 instruction at each school facility or area designated for physical
17 education and how many students currently receive physical education
18 instruction at each facility or designated area;

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

LBD02363-05-6

1 (iv) how many and which elementary schools do not (A) employ a teacher
2 or teachers certified in physical education for physical education
3 instruction or (B) designate a teacher or teachers for physical educa-
4 tion instruction;

5 (v) how many and which schools do not provide the class time for phys-
6 ical education instruction as required by law and regulation and the
7 reason or reasons why the schools do not provide appropriate time for
8 such instruction; and

9 (vi) how many and which schools are not in compliance with physical
10 education instruction requirements established in law and regulation or
11 are in violation of any physical education related law or regulation.

12 b. Each superintendent of a school district which contains at least
13 one school which is not in compliance with physical education instruc-
14 tion requirements established in law and regulation shall (i) prepare a
15 corrective action plan to be reviewed and approved by the board of
16 education at a public meeting; and (ii) to the extent practicable, begin
17 implementation of such corrective action plan the following school year.

18 c. A list of the school districts that fail to comply with the report-
19 ing requirements in subdivision a of this section shall be posted on the
20 department's internet website.

21 d. On or before July 1, 2017, the commissioner of education shall
22 report to the governor, the temporary president of the senate, the
23 speaker of the assembly, and the chairs of the senate and assembly
24 committees on education the findings made based on the information
25 reported pursuant to subdivision a of this section including an analysis
26 and explanation of the data, and shall identify steps that can be taken
27 to ensure that all public schools are in compliance with physical educa-
28 tion instruction requirements in elementary and secondary grades.

29 S 2. This act shall take effect immediately.