S T A T E O F N E W Y O R K

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:

Section 1. a. The commissioner of education shall create a procedure in which school district compliance with physical education instruction requirements as required by law and regulation in elementary grades in all public schools is reported to the department by school districts. Such report shall include but not be limited to the following information for each school district:

(i) how many and which schools do not have a facility, multi-purpose room, non-classroom designated area, or other designated spaces that are adequate for physical education instruction as required by law and regulation;

(ii) how many and which schools have a facility or other space listed in paragraph (i) of this subdivision for physical education instruction do not or cannot use such space for physical education instruction and the reason or reasons why such space is not used for physical education;

(iii) the maximum number of students who can receive physical education instruction at each school facility or area designated for physical education and how many students currently receive physical education instruction at each facility or designated area;

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

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(iv) how many and which elementary schools do not (A) employ a teacher or teachers certified in physical education for physical education instruction or (B) designate a teacher or teachers for physical education instruction;

(v) how many and which schools do not provide the class time for physical education instruction as required by law and regulation and the reason or reasons why the schools do not provide appropriate time for such instruction; and

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

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

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

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

S 2. This act shall take effect immediately.