

# STATE OF NEW YORK

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8789

2019-2020 Regular Sessions

## IN ASSEMBLY

November 25, 2019

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

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 informa-  
6 tion 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 regu-  
10 lation;

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 educa-  
16 tion 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;

19 (iv) how many and which elementary schools do not (A) employ a teacher  
20 or teachers certified in physical education for physical education  
21 instruction or (B) designate a teacher or teachers for physical educa-  
22 tion instruction;

23 (v) how many and which schools do not provide the class time for phys-  
24 ical education instruction as required by law and regulation 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 (vi) how many and which schools are not in compliance with physical  
4 education instruction requirements established in law and regulation or  
5 are in violation of any physical education related law or regulation.

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

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

15 d. On or before July 1, 2021, the commissioner of education shall  
16 report to the governor, the temporary president of the senate, the  
17 speaker of the assembly, and the chairs of the senate and assembly  
18 committees on education the findings made based on the information  
19 reported pursuant to subdivision a of this section including an analysis  
20 and explanation of the data, and shall identify steps that can be taken  
21 to ensure that all public schools are in compliance with physical educa-  
22 tion instruction requirements in elementary and secondary grades.

23 § 2. This act shall take effect immediately.