

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 11-1069

BY REPRESENTATIVE(S) Massey and Fields, Casso, Duran, Ferrandino, Fischer, Hullinghorst, Kefalas, Labuda, Lee, Miklosi, Pabon, Pace, Peniston, Priola, Riesberg, Schafer S., Solano, Soper, Todd, Tyler, Vigil, Williams A., Wilson, Kerr A.;
also SENATOR(S) Aguilar, Boyd, Foster, Guzman, Heath, Hudak, Johnston, Nicholson.

CONCERNING MEASURES TO INCREASE PHYSICAL ACTIVITY IN PUBLIC SCHOOLS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-136.5. Children's wellness - physical activity requirement - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(I) HEALTHY CHILDREN ARE MORE LIKELY TO BE ENGAGED LEARNERS, THEY DO BETTER IN SCHOOL, THEY HAVE IMPROVED ATTENDANCE, AND THEY ARE LESS LIKELY TO HAVE BEHAVIORAL PROBLEMS INSIDE AND OUTSIDE OF THE CLASSROOM;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) MANY STUDIES HAVE DOCUMENTED THE LINK BETWEEN THE MIND AND BODY AND THE EFFECT OF MOVEMENT ON COGNITION AND STIMULATED BLOOD FLOW AND OXYGEN TO A CHILD'S BRAIN;

(III) STUDIES ALSO SHOW THAT PHYSICAL ACTIVITY IMPROVES STUDENTS' ABILITY TO FOCUS AND DECREASES THE SYMPTOMS OF ATTENTION DEFICIT DISORDER AND RELATED CONDITIONS;

(IV) CHILDREN WHO ENGAGE IN PHYSICAL ACTIVITY AS PART OF THE LEARNING ENVIRONMENT ARE HEALTHIER AND PROCESS INFORMATION BETTER;

(V) THE GROWING TREND OF CHILDHOOD OBESITY IS ALSO BEGINNING TO AFFECT THE COUNTRY'S MILITARY PREPAREDNESS. RECENT REPORTS SHOW THAT, NATIONALLY, APPROXIMATELY ONE-THIRD OF ALL POTENTIAL MILITARY RECRUITS ARE INELIGIBLE TO JOIN BECAUSE THEY ARE OVERWEIGHT AND OUT OF SHAPE;

(VI) SCHOOL IS THE ONLY PLACE THAT MANY CHILDREN ARE EXPOSED TO PHYSICAL ACTIVITY;

(VII) ACCORDING TO THE 2009 CHILD HEALTH SURVEY CONDUCTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE IN FOUR COLORADO CHILDREN ARE OVERWEIGHT OR OBESE, AND ONLY FIFTY-THREE AND FIVE TENTHS PERCENT OF CHILDREN MEET DAILY PHYSICAL ACTIVITY RECOMMENDATIONS; AND

(VIII) BETWEEN 2003 AND 2007, COLORADO'S CHILD OBESITY NATIONAL RANKING DROPPED FROM THIRD LEANEST IN THE COUNTRY TO TWENTY-THIRD, AND THE NUMBER OF OBESE CHILDREN IN COLORADO TEN TO SEVENTEEN YEARS OF AGE INCREASED FROM FORTY-EIGHT THOUSAND TO SEVENTY-TWO THOUSAND.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, BY SUPPORTING PHYSICAL ACTIVITY IN PUBLIC SCHOOLS, COLORADO WILL ENSURE THAT ALL CHILDREN HAVE ACCESS TO ACTIVITIES THAT BUILD THEIR BODIES AND THEIR BRAINS AND SUPPORT THEIR ABILITIES TO THINK, REACT, CREATE, AND LEARN.

(2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PHYSICAL ACTIVITY" MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

- (a) EXERCISE PROGRAMS;
- (b) FITNESS BREAKS;
- (c) RECESS;
- (d) FIELD TRIPS THAT INCLUDE PHYSICAL ACTIVITY;
- (e) CLASSROOM ACTIVITIES THAT INCLUDE PHYSICAL ACTIVITY; AND
- (f) PHYSICAL EDUCATION CLASSES.

(3) (a) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A PHYSICAL ACTIVITY POLICY THAT INCORPORATES INTO THE SCHEDULE OF EACH STUDENT ATTENDING AN ELEMENTARY SCHOOL THE OPPORTUNITY FOR THE STUDENT TO ENGAGE IN:

(I) A MINIMUM OF SIX HUNDRED MINUTES OF PHYSICAL ACTIVITY PER MONTH IF THE CLASSES AT THE SCHOOL MEET FIVE DAYS PER WEEK AND THE STUDENT ATTENDS SCHOOL FOR A FULL DAY;

(II) A MINIMUM OF THREE HUNDRED MINUTES OF PHYSICAL ACTIVITY PER MONTH IF THE CLASSES AT THE SCHOOL MEET FIVE DAYS PER WEEK AND THE STUDENT ATTENDS SCHOOL FOR A HALF DAY;

(III) A MINIMUM OF THIRTY MINUTES OF PHYSICAL ACTIVITY PER DAY IF THE CLASSES AT THE SCHOOL MEET FEWER THAN FIVE DAYS PER WEEK AND THE STUDENT ATTENDS SCHOOL FOR A FULL DAY; AND

(IV) A MINIMUM OF FIFTEEN MINUTES OF PHYSICAL ACTIVITY PER DAY IF THE CLASSES AT THE SCHOOL MEET FEWER THAN FIVE DAYS PER WEEK AND THE STUDENT ATTENDS SCHOOL FOR A HALF DAY.

(b) THE PHYSICAL ACTIVITY POLICY MAY INCLUDE AN EXCEPTION FOR ANY MONTH THAT INCLUDES A PLANNED OR UNPLANNED FULL-DAY OR HALF-DAY SCHOOL CLOSURE.

(c) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL IMPLEMENT THE PHYSICAL ACTIVITY POLICY BEGINNING WITH THE 2011-12 SCHOOL YEAR.

(d) EACH SCHOOL DISTRICT BOARD OF EDUCATION MAY REQUIRE THE PERSON OR COMMITTEE IN EACH SCHOOL DESIGNATED TO ENSURE THAT THE SCHOOL COMPLIES WITH THE LOCAL WELLNESS POLICY, AS DESCRIBED IN SECTION 22-32-136, OR THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE AND SCHOOL ACCOUNTABILITY COMMITTEES CREATED PURSUANT TO ARTICLE 11 OF THIS TITLE TO REVIEW AND ADVISE THE SCHOOL DISTRICT OR AN INDIVIDUAL SCHOOL REGARDING THE SCHOOL DISTRICT'S OR THE INDIVIDUAL SCHOOL'S PHYSICAL ACTIVITY POLICY AND COMPLIANCE WITH THIS SECTION.

(e) THE EXPECTATION THAT A SCHOOL DISTRICT ADOPT A POLICY CONCERNING PHYSICAL ACTIVITY PURSUANT TO THIS SECTION IS NOT INTENDED TO DICTATE INSTRUCTION IN THE CLASSROOM.

(f) A SCHOOL THAT, PRIOR TO JANUARY 1, 2011, PROVIDES MORE THAN THE MINIMUM MINUTES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT DECREASE THE AMOUNT OF PHYSICAL ACTIVITY AS A RESULT OF THE POLICY SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3); EXCEPT THAT THE SCHOOL MAY DECREASE ITS REQUIRED MINUTES OF PHYSICAL ACTIVITY IN RESPONSE TO BUDGETARY CONSTRAINTS, SO LONG AS THE SCHOOL COMPLIES WITH THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3).

(g) A SCHOOL SHALL NOT SUBSTITUTE NONINSTRUCTIONAL PHYSICAL ACTIVITY FOR STANDARDS-BASED PHYSICAL EDUCATION INSTRUCTION.

SECTION 2. 22-30.5-505, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules - repeal. (18) THE INSTITUTE SHALL ENSURE THAT EACH INSTITUTE CHARTER SCHOOL, WORKING WITH ITS SCHOOL ACCOUNTABILITY COMMITTEE, ADOPTS AND IMPLEMENTS A POLICY CONCERNING PHYSICAL ACTIVITY FOR STUDENTS ENROLLED IN THE INSTITUTE CHARTER SCHOOL, WHICH POLICY MEETS THE REQUIREMENTS SPECIFIED IN SECTION 22-32-136.5.

SECTION 3. 22-11-503 (3) (g), Colorado Revised Statutes, is amended to read:

22-11-503. Performance reports - contents - rules. (3) In addition to any information specified by rule of the state board, each school performance report shall include the following information concerning the operations and environment of the public school that is the subject of the report:

(g) Information, as described in state board rule, concerning programs and services that are available at the public school to support student health and wellness. THE STATE BOARD IS ENCOURAGED TO INCLUDE IN THE SCHOOL PERFORMANCE REPORT INFORMATION CONCERNING EACH SCHOOL DISTRICT'S AND EACH PUBLIC SCHOOL'S INCORPORATION OF PHYSICAL ACTIVITY INTO THE SCHOOL DAY.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO