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112TH CONGRESS
1ST SESSION

H. R. 1057

To amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2011

Mr. KIND (for himself, Mr. GERLACH, Mr. INSLEE, and Mr. JOHNSON of Illinois) introduced the following bill; which was referred to the Committee on Education and the Workforce

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A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fitness Integrated with Teaching Kids Act'' or the ''FIT Kids Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Childhood obesity has reached epidemic proportions in the United States.

(2) Obesity-related diseases cost the United States economy more than $117,000,000,000 every year.

(3) The prevalence of overweight in children between the ages of 6 and 11 years increased from 4.0 percent in 1971–1974 to 17.5 percent in 2001–2004, and the prevalence of overweight in adolescents between the ages of 12 and 19 years increased from 6.1 percent to 17.0 percent.

(4) More than 9,000,000 children and adolescents between the ages of 6 and 19 years are considered overweight on the basis of being in the 95th percentile or higher of BMI values in the 2000 CDC growth chart for the United States.

(5) If children do not become more active and healthy, one-third of all children born in 2000 or later will suffer from diabetes at some point in their lives.

(6) Of all United States deaths from major chronic disease, 23 percent are linked to sedentary lifestyles that now begin at childhood.

(7) Adolescents who are overweight have a 70–80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death.

(8) A recent study showed that plaque build-up in the neck arteries of children who are obese or those with high cholesterol is similar to those levels seen in middle-aged adults.

(9) A decline in physical activity has contributed to the unprecedented epidemic of childhood obesity.

(10) The Physical Activity Guidelines for Americans recommend that children engage in 60 minutes or more of physical activity each day.

(11) In a 2005 Government Accountability Office report on key strategies to include in programs designed to target childhood obesity, ''increasing physical activity'' was identified as the most important component in any such program.

(12) Part of the decline in physical activity has been in our Nation's schools, where physical education programs have been cut back in the past 2 decades.

(13) The national standard for physical education frequency is 150 minutes per week in elementary school and 225 minutes per week in middle school and high school.

(14) Only 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of

high schools provide daily physical education or its equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education at all.

(15) Among children ages 9 to 13, 61.5 percent do not participate in any organized physical activity during out-of-school hours.

(16) Regular physical activity is associated with a healthier, longer life and a lower risk of cardiovascular disease, high blood pressure, diabetes, obesity, and some cancers.

(17) Research suggests a strong correlation between children's fitness and their academic performance as measured by grades in core subjects and standardized test scores.

(18) Approximately 81 percent of adults believe daily physical education should be mandatory in schools.

SEC. 3. REPORT CARDS.

Section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (vii), by striking ''and'' after the semicolon;

(B) in clause (viii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(ix) the amount of time students spend in required physical education as measured against the national standards of 150 minutes per week of required physical education for students in elementary school and 225 minutes per week of required physical education for students in middle school and secondary school;

''(x) the percentage of local educational agencies in the State that have a required, age-appropriate physical education curriculum for all students in elementary schools, middle schools, and secondary schools that adheres to national guidelines adopted by the Centers for Disease Control and Prevention and State standards;

''(xi) the percentage of elementary school and secondary school physical education teachers who are State licensed or certified as physical education teachers; and

"(xii) the percentage of schools that have a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public and that meets monthly to promote a healthy school environment.";

(2) in paragraph (2)(B)(i)—

(A) in subclause (I), by striking "and" after the semicolon;

(B) in subclause (II), by striking "and" after the semicolon; and

(C) by adding at the end the following:

"(III) the percentage of elementary school and secondary school physical education teachers who are State certified as physical education teachers; and

"(IV) the amount of square feet of indoor and outdoor facilities that are primarily used for physical education and the amount of square feet of indoor and outdoor facilities that

are primarily used for physical activity; and''; and

(3) in paragraph (2)(B)(ii)—

(A) in subclause (I), by striking ''and'' after the semicolon;

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(III) the percentage of elementary school and secondary school physical education teachers who are State certified as physical education teachers; and

''(IV) the number of meetings of a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public during the school year.''.

SEC. 4. PROMOTING PHYSICAL EDUCATION AND ACTIVITY IN SCHOOL PROGRAMS.

(a) ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.—Section 5421 of the Elementary and

Secondary Education Act of 1965 (20 U.S.C. 7245) is amended—

(1) in subsection (b)(2)(H), by inserting ", which design and implementation shall take into consideration the overall emotional and physical well-being of students" after "the program"; and

(2) in subsection (c)(2)(E), by inserting "health, the importance of regular physical activity," after "relationships,".

(b) SMALLER LEARNING COMMUNITIES.—Section 5441(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7249(b)) is amended by adding at the end the following:

"(14) How the local educational agency will ensure that smaller learning communities support healthy lifestyles including participation in physical education and physical activity by all students and access to nutritious food and nutrition education.".

(c) 21ST CENTURY COMMUNITY LEARNING CENTERS.—

(1) PURPOSE; DEFINITIONS.—Section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171) is amended—

(A) in subsection (a)(2), by inserting "nutrition education programs, structured physical

activity programs,'' after ''recreation programs,''; and

(B) in subsection (b)(1)(A), by inserting ''nutrition education, structured physical activity,'' after ''recreation,''.

(2) LOCAL COMPETITIVE GRANT PROGRAM.—Section 4204(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7174(b)(2))—

(A) in subparagraph (M), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (N) as subparagraph (O); and

(C) by inserting after subparagraph (M) the following:

''(N) an assurance that the proposed program is coordinated with the physical education and health education programs offered during the school day; and''.

(3) LOCAL ACTIVITIES.—Section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a))—

(A) in paragraph (11), by striking ''and'' after the semicolon;

(B) in paragraph (12), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(13) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs.".

(d) PARENTAL INVOLVEMENT.—Section 1118 of the Elementary and Secondary Education Act of 1965 is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) involve and train parents in encouraging and supporting a healthy and active lifestyle, including increased physical activity during and outside the school day, and nutritional eating habits in the home and at school; and";

(2) in subsection (d)—

(A) in the subsection heading, by inserting after "ACHIEVEMENT" the following: "BY HEALTHY, ACTIVE STUDENTS";

(B) in the matter preceding paragraph (1), by striking ''standards.'' and inserting ''standards and to ensure that the children lead healthy, active lives.''; and

(C) in paragraph (1)—

(i) by inserting after ''supportive'' the following: '', healthy,'';

(ii) by striking ''; and participating'' and inserting ''; participating''; and

(iii) by inserting after ''extracurricular time'' the following: ''and supporting their children in leading a healthy and active life, such as by providing healthy meals and snacks, encouraging participation in physical education, and sharing in physical activity outside the school day'';

(3) in subsection (e)—

(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(B) by inserting after paragraph (5) the following:

''(6)(A) shall ensure that parents and teachers have information about the importance of a healthy lifestyle, including nutritional eating habits, physical

education, and physical activity, to an effective learning environment; and

"(B) shall coordinate activities with parents and teachers to ensure that children are provided with nutritious meals and snacks, and have ample opportunities for physical education and physical activity during and outside the school day;".

SEC. 5. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND PRINCIPALS.

(a) STATE APPLICATIONS.—Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended by adding at the end the following:

"(13) A description of how the State educational agency will use funds under this part to provide professional development that is directly related to the fields of physical education and health education to physical education teachers and health education teachers to ensure that children are leading healthy, active lifestyles that are conducive to effective learning.".

(b) STATE USE OF FUNDS.—Section 2113(c)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)(6)) is amended—

(1) by striking ", in cases in which a State educational agency determines support to be appropriate,"; and

(2) by inserting ", physical education teachers, and health education teachers" after "pupil services personnel".

(c) LOCAL APPLICATIONS AND NEEDS ASSESSMENT.—Section 2122(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)(9)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) improve the health and eating habits of students and increase rates of physical activity of students.".

(d) LOCAL USE OF FUNDS.—Section 2123(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(iii) effective strategies for improving the healthy habits of students and the rates of physical activity by students that result in the ability to learn more effectively; and"; and

(2) in subparagraph (B)—

(A) in clause (iv), by striking "and" after the semicolon;

(B) in clause (v), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(vi) provide training, with curricula that is evidence-based, in how to teach physical education and health education that results in the ability of students to learn more effectively.".

SEC. 6. NATIONAL RESEARCH COUNCIL STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall enter into a contract with the National Research Council of the National Academy of Sciences to—

(1) examine and make recommendations regarding—

(A) various means that may be employed to incorporate physical activity into Head Start

and childcare settings, elementary, middle, and high school settings, and before- and after-school programs; and

(B) innovative and effective ways to increase physical activity for all students;

(2) study the impact of health, level of physical activity, and amount of physical education on students' ability to learn and maximize performance in school; and

(3) study and provide specific recommendations for—

(A) effectively measuring the progress of students, at the school level, in improving their health and well-being, including improving their—

(i) knowledge, awareness, and behavior changes, related to nutrition and physical activity;

(ii) cognitive development, and fitness improvement, in physical education;

(iii) knowledge of lifetime physical activity and health promotion;

(iv) decrease in obesity; and

(v) levels on overall health indicators; and

1 (B) effectively measuring the progress of
2 students, at the school level, in increasing phys-
3 ical activity.

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