

111TH CONGRESS
1ST SESSION

S. 634

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

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2009

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fitness Integrated
5 with Teaching Kids Act” or the “FIT Kids Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Childhood obesity has reached epidemic pro-
9 portions in the United States.

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

4 (3) The prevalence of overweight in children be-
5 tween the ages of 6 and 11 years increased from 4.0
6 percent in 1971–1974 to 17.5 percent in 2001–
7 2004, and the prevalence of overweight in adoles-
8 cents between the ages of 12 and 19 years increased
9 from 6.1 percent to 17.0 percent.

10 (4) More than 9,000,000 children and adoles-
11 cents between the ages of 6 and 19 years are consid-
12 ered overweight on the basis of being in the 95th
13 percentile or higher of BMI values in the 2000 CDC
14 growth chart for the United States.

15 (5) The Department of Health and Human
16 Services estimates that, by 2010, 20 percent of chil-
17 dren and youth in the United States will be obese.

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

21 (7) Overweight adolescents have a 70–80 per-
22 cent chance of becoming overweight adults, increas-
23 ing their risk for chronic disease, disability, and
24 death.

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

5 (9) A decline in physical activity has contrib-
6 uted to the unprecedented epidemic of childhood
7 obesity.

8 (10) The Physical Activity Guidelines for Amer-
9 icans recommend that children engage in 60 minutes
10 or more of physical activity each day.

11 (11) In a 2005 Government Accountability Of-
12 fice report on key strategies to include in programs
13 designed to target childhood obesity, “increasing
14 physical activity” was identified as the most impor-
15 tant component in any such program.

16 (12) Part of the decline in physical activity has
17 been in our Nation’s schools, where physical edu-
18 cation programs have been cut back in the past 2
19 decades.

20 (13) The national standard for physical edu-
21 cation frequency is 150 minutes per week in elemen-
22 tary school and 225 minutes per week in middle
23 school and high school.

24 (14) Only 3.8 percent of elementary school, 7.9
25 percent of middle school, and 2.1 percent of high

1 schools provide daily physical education or its equiv-
2 alent for the entire school year, and 22 percent of
3 schools do not require students to take any physical
4 education at all.

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

8 (16) Regular physical activity is associated with
9 a healthier, longer life and a lower risk of cardio-
10 vascular disease, high blood pressure, diabetes, obe-
11 sity, and some cancers.

12 (17) Research suggests a strong correlation be-
13 tween children’s fitness and their academic perform-
14 ance as measured by grades in core subjects and
15 standardized test scores.

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

19 **SEC. 3. REPORT CARDS.**

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

22 (1) in paragraph (1)(C)—

23 (A) in clause (vii), by striking “and” after
24 the semicolon;

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

3 (C) by adding at the end the following:

4 “(ix) the amount of time students
5 spend in required physical education as
6 measured against the national standards of
7 150 minutes per week of required physical
8 education for students in elementary school
9 and 225 minutes per week of required
10 physical education for students in middle
11 school and secondary school;

12 “(x) the percentage of local edu-
13 cational agencies in the State that have a
14 required, age-appropriate physical edu-
15 cation curriculum for all students in ele-
16 mentary schools, middle schools, and sec-
17 ondary schools that adheres to national
18 guidelines adopted by the Centers for Dis-
19 ease Control and Prevention and State
20 standards;

21 “(xi) the percentage of elementary
22 school and secondary school physical edu-
23 cation teachers who are State licensed or
24 certified as physical education teachers;
25 and

1 “(xii) the percentage of schools that
2 have a School Health Council that includes
3 parents, students, representatives of the
4 school food authority, representatives of
5 the school board, school administrators
6 and members of the public and that meets
7 monthly to promote a healthy school envi-
8 ronment.”;

9 (2) in paragraph (2)(B)(i)—

10 (A) in subclause (I), by striking “and”
11 after the semicolon;

12 (B) in subclause (II), by striking “and”
13 after the semicolon; and

14 (C) by adding at the end the following:

15 “(III) the percentage of elemen-
16 tary school and secondary school
17 physical education teachers who are
18 State certified as physical education
19 teachers; and

20 “(IV) the amount of square feet
21 of indoor and outdoor facilities that
22 are primarily used for physical edu-
23 cation and the amount of square feet
24 of indoor and outdoor facilities that

1 are primarily used for physical activ-
 2 ity; and”; and

3 (3) in paragraph (2)(B)(ii)—

4 (A) in subclause (I), by striking “and”
 5 after the semicolon;

6 (B) in subclause (II), by striking the pe-
 7 riod at the end and inserting a semicolon; and

8 (C) by adding at the end the following:

9 “(III) the percentage of elemen-
 10 tary school and secondary school
 11 physical education teachers who are
 12 State certified as physical education
 13 teachers; and

14 “(IV) the number of meetings of
 15 a School Health Council that includes
 16 parents, students, representatives of
 17 the school food authority, representa-
 18 tives of the school board, school ad-
 19 ministrators and members of the pub-
 20 lic during the school year.”.

21 **SEC. 4. PROMOTING PHYSICAL EDUCATION AND ACTIVITY**

22 **IN SCHOOL PROGRAMS.**

23 (a) **ELEMENTARY AND SECONDARY SCHOOL COUN-**
 24 **SELING PROGRAMS.**—Section 5421 of the Elementary and

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

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

7 (2) in subsection (c)(2)(E), by inserting
8 “health, the importance of regular physical activity,”
9 after “relationships.”

10 (b) SMALLER LEARNING COMMUNITIES.—Section
11 5441(b) of the Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. 7249(b)) is amended by adding at the
13 end the following:

14 “(14) How the local educational agency will en-
15 sure that smaller learning communities support
16 healthy lifestyles including participation in physical
17 education and physical activity by all students and
18 access to nutritious food and nutrition education.”.

19 (c) 21ST CENTURY COMMUNITY LEARNING CEN-
20 TERS.—

21 (1) PURPOSE; DEFINITIONS.—Section 4201 of
22 the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 7171) is amended—

24 (A) in subsection (a)(2), by inserting “nu-
25 trition education programs, structured physical

1 activity programs,” after “recreation pro-
2 grams,”; and

3 (B) in subsection (b)(1)(A), by inserting
4 “nutrition education, structured physical activ-
5 ity,” after “recreation,”.

6 (2) LOCAL COMPETITIVE GRANT PROGRAM.—
7 Section 4204(b)(2) of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C.
9 7174(b)(2))—

10 (A) in subparagraph (M), by striking
11 “and” after the semicolon;

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

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

16 “(N) an assurance that the proposed pro-
17 gram is coordinated with the physical education
18 and health education programs offered during
19 the school day; and”.

20 (3) LOCAL ACTIVITIES.—Section 4205(a) of the
21 Elementary and Secondary Education Act of 1965
22 (20 U.S.C. 7175(a))—

23 (A) in paragraph (11), by striking “and”
24 after the semicolon;

1 (B) in paragraph (12), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(13) programs that support a healthy, active
5 lifestyle, including nutritional education and regular,
6 structured physical activity programs.”.

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

10 (1) in subsection (a)(2)—

11 (A) in subparagraph (E), by striking
12 “and” at the end;

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

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

17 “(F) involve and train parents in encour-
18 aging and supporting a healthy and active life-
19 style, including increased physical activity dur-
20 ing and outside the school day, and nutritional
21 eating habits in the home and at school; and”;

22 (2) in subsection (d)—

23 (A) in the subsection heading, by inserting
24 after “ACHIEVEMENT” the following: “BY
25 HEALTHY, ACTIVE STUDENTS”;

1 (B) in the matter preceding paragraph (1),
2 by striking “standards.” and inserting “stand-
3 ards and to ensure that the children lead
4 healthy, active lives.”; and

5 (C) in paragraph (1)—

6 (i) by inserting after “supportive” the
7 following: “, healthy,”;

8 (ii) by striking “; and participating”
9 and inserting “; participating”; and

10 (iii) by inserting after “extracurricular
11 time” the following: “and supporting their
12 children in leading a healthy and active
13 life, such as by providing healthy meals
14 and snacks, encouraging participation in
15 physical education, and sharing in physical
16 activity outside the school day”; and

17 (3) in subsection (e)—

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

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

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

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

3 “(B) shall coordinate activities with parents
4 and teachers to ensure that children are provided
5 with nutritious meals and snacks, and have ample
6 opportunities for physical education and physical ac-
7 tivity during and outside the school day;”.

8 **SEC. 5. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
9 **AND PRINCIPALS.**

10 (a) STATE APPLICATIONS.—Section 2112(b) of the
11 Elementary and Secondary Education Act of 1965 (20
12 U.S.C. 6612(b)) is amended by adding at the end the fol-
13 lowing:

14 “(13) A description of how the State edu-
15 cational agency will use funds under this part to
16 provide professional development that is directly re-
17 lated to the fields of physical education and health
18 education to physical education teachers and health
19 education teachers to ensure that children are lead-
20 ing healthy, active lifestyles that are conducive to ef-
21 fective learning.”.

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

1 (1) by striking “, in cases in which a State edu-
2 cational agency determines support to be appro-
3 priate,”; and

4 (2) by inserting “, physical education teachers,
5 and health education teachers” after “pupil services
6 personnel”.

7 (c) LOCAL APPLICATIONS AND NEEDS ASSESS-
8 MENT.—Section 2122(b)(9) of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6622(b)(9)) is
10 amended—

11 (1) in subparagraph (C), by striking “and”
12 after the semicolon;

13 (2) in subparagraph (D), by striking the period
14 at the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(E) improve the health and eating habits
17 of students and increase rates of physical activ-
18 ity of students.”.

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

22 (1) in subparagraph (A)—

23 (A) in clause (i), by striking “and” after
24 the semicolon; and

25 (B) by adding at the end the following:

1 “(iii) effective strategies for improving
2 the healthy habits of students and the
3 rates of physical activity by students that
4 result in the ability to learn more effec-
5 tively; and”;

6 (2) in subparagraph (B)—

7 (A) in clause (iv), by striking “and” after
8 the semicolon;

9 (B) in clause (v), by striking the period at
10 the end and inserting “; and”;

11 (C) by adding at the end the following:

12 “(vi) provide training, with curricula
13 that is evidence-based, in how to teach
14 physical education and health education
15 that results in the ability of students to
16 learn more effectively.”.

17 **SEC. 6. NATIONAL RESEARCH COUNCIL STUDY.**

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

22 (1) examine and make recommendations re-
23 garding—

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

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

4 (B) innovative and effective ways to in-
5 crease physical activity for all students;

6 (2) study the impact of health, level of physical
7 activity, and amount of physical education on stu-
8 dents' ability to learn and maximize performance in
9 school; and

10 (3) study and provide specific recommendations
11 for—

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

16 (i) knowledge, awareness, and behav-
17 ior changes, related to nutrition and phys-
18 ical activity;

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

21 (iii) knowledge of lifetime physical ac-
22 tivity and health promotion;

23 (iv) decrease in obesity; and

24 (v) levels on overall health indicators;

25 and

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

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