

HOUSE BILL REPORT

HB 2669

As Reported by House Committee On: Education

Title: An act relating to physical education instructional requirements for public school students.

Brief Description: Concerning physical education instructional requirements for public school students.

Sponsors: Representatives Riccelli, Harris, Rossetti, Stambaugh, Bergquist, Walkinshaw, Robinson, Peterson, Jinkins, Farrell, Ortiz-Self, Pike, Goodman, Ormsby and Fey.

Brief History:

Committee Activity:

Education: 2/2/16, 2/4/16 [DPS].

Brief Summary of Substitute Bill

- Extends current physical education (PE) requirements for first through eighth grade students to kindergarten students.
- Phases in increased PE minute requirements for students in grades K-8, beginning with the 2018-19 school year.
- Requires school districts to submit an annual report verifying compliance with PE instructional requirements, beginning with the 2016-17 school year.
- Establishes a competitive grant program in the Office of the Superintendent of Public Instruction for the purpose of helping school districts increase compliance with PE instructional requirements.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Harris, S. Hunt, Kilduff, Kuderer, Orwall, Pollet, Rossetti and Springer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 5 members: Representatives Griffey, Hargrove, Hayes, Klippert and McCaslin.

Staff: Ashley Fisher (786-7296) and Ethan Moreno (786-7386).

Background:

Washington Physical Education Standards.

Every public school student in grades 1 through 8 must receive instruction in physical education (PE) as prescribed by rule of the Superintendent of Public Instruction (Superintendent). Students may be excused from PE courses on account of physical disability, religious belief, or participation in directed athletics.

The Office of the Superintendent of Public Instruction (OSPI) developed health and PE Essential Academic Learning Requirements and Grade Level Expectations that describe what students should know and be able to do at every grade level. The OSPI-developed state assessment models are designed to help schools and districts determine whether students have met the health and PE learning standards. The OSPI has developed PE instruction requirements by rule. Public school students in grades 1 through 8 must receive an average of at least 100 PE instructional minutes per week.

National Physical Education Standards.

Federal law does not prescribe minimum standards for PE in schools; instead, the federal government relies on grant programs administered by the Departments of Education and Transportation to create incentives that promote physical activity in the school setting. The United States Department of Health and Human Services recommends that students engage in moderate to vigorous physical activity for at least 50 percent of the time they spend in PE class.

Summary of Substitute Bill:

Washington Physical Education Requirements.

Instructional requirements in PE that apply to students in grades 1 through 8 are extended to kindergarten students.

Increased PE minute requirements are phased in for students in grades K-8. For the 2018-19 and 2019-20 school years, students must be provided with five days per week or the equivalent of 125 minutes per week of PE instruction. Beginning in 2020-21, five days per week or the equivalent of 150 minutes per week of PE instruction is required.

School districts must submit an annual report to the OSPI that documents compliance with the OSPI-developed PE rules, beginning in the 2016-17 school year. The reports must also provide other information, including the number of students excused from PE instruction and the number of teachers with health and fitness endorsements in each district. By December 1, 2017, and annually through December 1, 2021, the Superintendent must provide a

summary report of the school district reports to the education committees of the House of Representatives and the Senate.

Compliance with Physical Education Requirements/ Competitive Grant.

The OSPI must develop a competitive grant program for school districts to increase compliance with PE instructional requirements. Grant allocation criteria are established that prioritize districts and schools: (1) that demonstrate challenges in complying with PE instructional requirements; (2) with high percentages of students eligible to participate in the federal free or reduced-price lunch program; (3) that are developing a plan for complying with or significantly improving compliance with PE instructional requirements within two years of receiving a grant allocation; and (4) that are developing related and supportive partnerships with nonprofit organizations or other entities.

The OSPI must provide a summary report of agency and school district actions related to the grant program to the education committees of the Legislature by December 1, 2018, and annually thereafter through December 1, 2021.

Substitute Bill Compared to Original Bill:

The substitute bill restores the provision that students in grades K-8 may be excused from physical education instruction because of participation in directed athletics.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 4, 2016.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Today's children are the first generation that will not outlive their parents. Washington will spend billions of dollars in healthcare if this obesity epidemic is not stopped. Heart disease is the number one killer in this country. Many of the causes of heart disease are preventable through a credible PE program. Academic success is also higher for kids who spend more time in PE. This bill is an investment in kids and in the future.

There is a difference between PE and physical activity. In PE, students are taught fitness concepts and health issues. Many students are not getting the required 100 minutes of PE activity per week. This bill increases the requirements and adds requirements for kindergarteners, who should also have PE instruction.

It takes a healthy village to raise a healthy child. The Every Student Succeeds Act was signed into law, which makes PE a well-rounded subject available to funding. School districts are not complying with the current requirements. House Bill 2669 would hold districts accountable to the law because of the reporting requirement.

(Opposed) This bill is an unfunded mandate. It has a noble goal of increasing physical activity, but the reality is that the school day has a finite amount of time and too many things competing for that time. It takes time to collect data and fill out reports. Summed with other reporting requirements, collecting data becomes more and more time consuming for school staff.

Elementary schools are struggling to get 100 minutes of PE instruction into their schedules because of efforts to make sure kids can read, write, and do math. It is best to let local schools choose how to spend their time.

The bill does not specify whether the increased time requirements include partial school weeks, or whether partial weeks would be prorated. There are only 13 full school weeks in the academic year. The Legislature could extend the school day in order to meet the requirements of the bill, but that would cost more money, mostly in wages. Physical education every day sounds like an awesome use for a grant that might be tied to a city, community, or family, instead of the school.

Persons Testifying: (In support) Representative Riccelli, prime sponsor; Tina Barr, Keithley Middle School; Deann Goodspeed; Dan Persse, Blaine Elementary; and Vic Colman, Childhood Obesity Prevention.

(Opposed) Sandy Tarzwell; and Jerry Bender, Association of Washington School Principals.

Persons Signed In To Testify But Not Testifying: None.