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**SUBSTITUTE HOUSE BILL 2669**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Education (originally sponsored by Representatives Riccelli, Harris, Rossetti, Stambaugh, Bergquist, Walkinshaw, Robinson, Peterson, Jinkins, Farrell, Ortiz-Self, Pike, Goodman, Ormsby, and Fey)

AN ACT Relating to physical education instructional requirements for public school students; amending RCW 28A.230.040; adding a new section to chapter 28A.300 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that physical activity has numerous health benefits and that physical education instruction teaches students about the importance of physical activity and establishing patterns of behavior that promote fitness and healthy lifestyles. The legislature also finds that national standards for physical education prescribe specific time-based requirements for physical education that significantly exceed current requirements for students in Washington. The national standards also specify, for students of all ages, that at least fifty percent of the physical education class time should be spent in moderate to vigorous physical activity.

(2) Recognizing the emotional well-being and stronger academic achievement benefits of physical activity and physical education instruction, the legislature intends to adopt phased-in increases to the required amount of minutes that students in grades kindergarten through eight spend receiving instruction in physical education, and direct the office of the superintendent of public instruction to collect data that will assist educators and policymakers in developing physical education instructional requirements that better align state requirements with national standards. The legislature also intends to establish a physical education instructional requirements grant program, with a goal of having at least fifty percent of physical education class time be spent in moderate to vigorous physical activity, and a goal of implementing more rigorous physical education requirements for students in grades kindergarten through eight that comply with national standards by the 2020-21 school year.

**Sec.**  RCW 28A.230.040 and 2006 c 263 s 415 are each amended to read as follows:

(1) Every ((~~pupil~~)) student attending grades ((~~one~~)) kindergarten through eight of the public schools ((~~shall~~)) must receive instruction in physical education as prescribed by rule of the superintendent of public instruction: PROVIDED, That individual ((~~pupils or~~)) students may be excused on account of physical disability, religious belief, or participation in directed athletics.

(2) Beginning with the 2016-17 school year, school districts must annually submit a verification report to the office of the superintendent of public instruction documenting compliance with requirements of this section. Reports required by this section must be developed by the office of the superintendent of public instruction and must require separate verification reporting for each school within a district. The reports also must:

(a) Specify the number of students who were excused from the requirements of this section, including the reason for the excuse;

(b) Specify the number of minutes of physical education instruction that students received during the reporting period and whether the instruction was provided with a pass or fail grading format;

(c) Specify the number of teachers with health and fitness endorsements for each district;

(d) Include opportunities for districts to indicate and explain factors lessening their ability to comply with the physical education instructional requirements of this section; and

(e) Be summarized by the office of the superintendent of public instruction and submitted to the education committees of the house of representatives and the senate on or before December 1, 2017, and annually thereafter through December 1, 2021. Reports required by this subsection must be submitted in accordance with RCW 43.01.036.

(3) For the 2018-19 and 2019-20 school years, the physical education instruction for students in kindergarten and grades one through eight must be provided five days per week or the equivalent of one hundred twenty-five minutes per week for the entire school year.

(4) Beginning with the 2020-21 school year, the physical education instruction for students in kindergarten and grades one through eight must be provided five days per week or the equivalent of one hundred fifty minutes per week for the entire school year.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) Beginning with the 2017-18 school year, and subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop a competitive grant program for school districts to increase compliance with the physical education instructional requirements in RCW 28A.230.040. In making grant allocations, the office of the superintendent of public instruction must give priority to districts and schools:

(a) Demonstrating, through the verification reports required in RCW 28A.230.040, challenges in complying with specified physical education instructional requirements;

(b) With high percentages of students who are enrolled in or eligible to participate in the federal free or reduced-price lunch program;

(c) Developing a strategic and practical plan for, within two years of receiving a grant allocation, complying with or significantly improving compliance with the physical education instructional requirements in RCW 28A.230.040; and

(d) Developing related and supportive partnerships with nonprofit organizations or other entities.

(2) On or before December 1, 2018, and annually thereafter through December 1, 2021, the office of the superintendent of public instruction must provide a report to the education committees of the house of representatives and the senate summarizing agency and school district actions related to the grant program established by this section. Reports required by this subsection, which also must include any associated findings and recommendations, must be submitted in accordance with RCW 43.01.036.

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