

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H.B. 976
May 16, 2012
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH60124-RJz-4 (04/13)

Short Title: Task Force & Work Group on PE and Fitness. (Public)

Sponsors: Representatives LaRoque and Sanderson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE TASK FORCE ON PHYSICAL EDUCATION AND
3 PHYSICAL ACTIVITY IN SCHOOLS AND TO DIRECT THE STATE BOARD OF
4 EDUCATION TO COORDINATE A WORK GROUP TO EXAMINE THE CURRENT
5 STATUS OF DATA COLLECTION FROM FITNESS TESTING CONDUCTED IN
6 KINDERGARTEN THROUGH EIGHTH GRADE, AS RECOMMENDED BY THE
7 HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** There is established the Task Force on Physical Education and
10 Physical Activity in Schools (Task Force).

11 **SECTION 1.(b)** The Task Force shall consist of 16 members appointed as follows:

12 (1) Eight members appointed by the President Pro Tempore of the Senate, to
13 include the following:

- 14 a. Three members of the Senate, with one designated to serve as a
15 cochair.
- 16 b. A local school administrator, as recommended by the North Carolina
17 Association of School Administrators.
- 18 c. A representative from a public nonprofit organization promoting
19 healthy lifestyles for children, addressing the problems related to
20 childhood obesity, and increasing physical activity among children,
21 as recommended by the North Carolina Alliance for Health.
- 22 d. A physician who specializes in the treatment of childhood obesity, as
23 recommended by the North Carolina Academy of Family Physicians.
- 24 e. A representative of the Department of Public Instruction.
- 25 f. A representative of the Division of Public Health of the Department
26 of Health and Human Services.

27 (2) Eight members appointed by the Speaker of the House of Representatives, to
28 include the following:

- 29 a. Three members of the House of Representatives, with one designated
30 to serve as a cochair.
- 31 b. A local school board member, as recommended by the North
32 Carolina School Boards Association.
- 33 c. A local elected official, as recommended by the North Carolina
34 Association of County Commissioners.



- d. A physical education specialist, as recommended by the North Carolina Alliance for Athletics, Health, Physical Education, Recreation and Dance.
- e. A representative of the State Board of Education.
- f. A classroom teacher, as recommended by the North Carolina Association of Educators.

Recommendations for Task Force members shall be submitted to the appointing authority 30 days after enactment of this act. Vacancies on the Task Force shall be filled by the same appointing authority making the initial appointment. A quorum of the Task Force shall be a majority of its members.

SECTION 1.(c) The Task Force shall examine issues relating to physical education, physical activity, and fitness testing data collection in the schools. In the course of the study, the Task Force shall consider and recommend to the General Assembly a strategic plan, including implementation dates, that provides the following:

- (1) Physical education for every student in kindergarten through eighth grade for the entire school year, including students with disabilities and those in alternative education programs. Students in the elementary schools shall participate in physical education for at least 150 minutes during each school week, and students in middle school shall participate for at least 225 minutes during each school week.
- (2) A physical education curriculum consistent with the National Association of Sports and Physical Education (NASPE) standards. The planned instructional program with specific objectives shall be delivered by a licensed instructor.
- (3) Methods to provide cost-effective and adequate spaces, facilities, equipment, supplies, and operating budgets necessary to achieve the objectives of the physical education program.
- (4) A list of possible funding sources, including potential private-public partnerships, to provide long-term sustainability for physical education in schools.
- (5) Methods to increase the amount of time that students in kindergarten through eighth grade are engaged in daily moderate to vigorous physical activity outside of physical education.
- (6) Methods to collect and analyze fitness testing data in order to monitor student fitness levels over time based on recommendations from the work group.
- (7) Any other issue that the Task Force considers relevant to its charge.

SECTION 1.(d) Members of the Task Force shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at any time upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Task Force in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Task Force, and the expenses relating to the clerical employees shall be borne by the Task Force. The Task Force may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

1 All State departments and agencies and local governments and their subdivisions
2 shall furnish the Task Force with any information in their possession or available to them.

3 **SECTION 1.(e)** The Task Force shall submit an interim report to the 2013 Regular
4 Session of the 2013 General Assembly on or before January 15, 2013, and submit a final report
5 of the results of its study and its recommendations to the 2014 Regular Session of the 2013
6 General Assembly on or before May 1, 2014. The Task Force shall terminate on May 15, 2014,
7 or upon the filing of its final report, whichever occurs first.

8 **SECTION 2.(a)** The State Board of Education shall coordinate a work group to
9 examine the current status of data collection from the fitness testing conducted in kindergarten
10 through eighth grade. The work group shall focus on methods to (i) collect reliable data from
11 the fitness testing; (ii) appropriately share the data among State agencies; (iii) monitor fitness
12 levels of students over time; and (iv) identify possible funding sources that will provide
13 long-term sustainability for data collection activities.

14 **SECTION 2.(b)** The work group shall include representatives from the Department
15 of Public Instruction; the Division of Public Health, Department of Health and Human
16 Services; the North Carolina Alliance for Athletics, Health, Physical Education, Recreation,
17 and Dance; the American Heart Association; and other interested stakeholders.

18 **SECTION 2.(c)** The work group shall report its findings and recommendations to
19 the Task Force on Physical Education and Physical Activity in Schools by June 30, 2013.

20 **SECTION 3.** This act is effective when it becomes law.