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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1146 Session of  
2017

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INTRODUCED BY BRIGGS, FRANKEL, SCHWEYER, V. BROWN, BULLOCK,  
McNEILL, CALTAGIRONE, FREEMAN, MURT, READSHAW, KINSEY,  
D. COSTA, DONATUCCI AND SAYLOR, APRIL 12, 2017

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 12, 2017

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for physical fitness.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
9 as the Public School Code of 1949, is amended by adding an  
10 article to read:

11 ARTICLE XIII-B

12 PHYSICAL FITNESS

13 Section 1301-B. Purpose.

14 Students spend a major part of their day in the school  
15 environment, therefore it is vital that the school environment  
16 support the development of a healthy and physically active  
17 lifestyle, offer opportunities for students to make healthy and  
18 informed choices and prepare students for academic success. This  
19 article is established to achieve the following purposes:

1           (1) Establish physical activity practices to facilitate  
2 the improvement of student health.

3           (2) Increase the amount of moderate to vigorous physical  
4 activity of all students during the school day.

5           (3) Provide students with the necessary skills and  
6 aptitudes to develop and engage in an individualized physical  
7 activity plan that they can continue to use and adapt  
8 throughout life.

9           (4) Ensure provision of both physical education and  
10 physical activity. Physical education meets the requirements  
11 of 22 Pa. Code Ch. 4 (relating to academic standards and  
12 assessment). There is no requirement for physical activity to  
13 be aligned to State standards, be assessed or be taught by  
14 certified teachers with a health and physical education  
15 certification.

16 Section 1302-B. Definitions.

17           The following words and phrases when used in this article  
18 shall have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20           "Absolute intensity." A specific method of measuring the  
21 level of exertion used during physical activity. It is the  
22 amount of energy used by the body per minute of activity.

23           "Active commuting." Modes of transportation to and from  
24 school that involve physical activity, including walking,  
25 biking, skating and rollerblading.

26           "Adapted physical education." Physical education programs  
27 that include guidance on how to appropriately modify physical  
28 activities, equipment and assessments for students with a  
29 disability or chronic health condition in ways that provide them  
30 with the same instruction and opportunity to develop skills that

1 other students receive.

2 "Department." The Department of Education of the  
3 Commonwealth.

4 "Moderate to vigorous physical activity." Physical exertion  
5 equivalent in intensity to brisk walking.

6 "Physical activity." Bodily movement:

7 (1) That works muscles and uses more energy than when an  
8 individual is resting.

9 (2) That enhances health and includes activities like  
10 walking, running, dancing, jumping rope, swimming and yoga.

11 (3) The exertion levels of which may be measured in  
12 terms of relative intensity and absolute intensity.

13 "Physical activity breaks." Brief opportunities for physical  
14 activity provided throughout the day, including, but not limited  
15 to, during morning or afternoon announcements and integrating  
16 physical activity and movement during instruction.

17 "Physical education." A planned, sequential, movement-based  
18 program of curricula and instruction that helps students develop  
19 the knowledge, attitudes, motor skills, self-management skills  
20 and confidence needed to maintain a physically active life.

21 "Recess." Regularly scheduled periods within the school day  
22 for supervised physical activity and play.

23 "Relative intensity." The level of effort required by a  
24 person to do an activity.

25 Section 1303-B. General policies.

26 A school entity shall develop, expand or improve policies  
27 that:

28 (1) Encourage and support students and staff to safely  
29 walk or bike to and from school as often as possible. This  
30 policy can include safe pedestrian and bicycle routes, school

1 siting, student transportation, helmet use, wellness policies  
2 and policy evaluation.

3 (2) Encourage the construction of new elementary schools  
4 within one mile of the homes of as many students as possible.

5 (3) Encourage the construction of new middle schools and  
6 high schools within two miles of the homes of as many  
7 students as possible.

8 (4) Promote siting decisions that include a safety  
9 assessment of pedestrian and bicycle routes around the school  
10 and campus exits to safely separate automobile and bus  
11 traffic from students walking and biking.

12 (5) Encourage persons on school grounds riding a bicycle  
13 or other pedal-powered vehicle to wear a safety helmet that  
14 meets the standards of the Federal Consumer Product Safety  
15 Commission.

16 (6) Encourage school entities to incorporate active  
17 commuting to school in its wellness policy as a means of  
18 increasing physical activity levels. Health education and  
19 physical education curricula shall include topics of  
20 pedestrian and cyclist safety and traffic rules at  
21 appropriate grade levels. School entities are encouraged to  
22 change any existing policies that ban or discourage walking  
23 or bicycling to and from school.

24 (7) Encourage school entities to establish joint use  
25 agreements with local government and community agencies to  
26 allow use of school facilities to encourage physical activity  
27 and other activities outside of school hours as provided in  
28 sections 706 and 775.

29 Section 1304-B. Physical activity program for elementary,  
30 middle and high schools.

1 (a) Duty of school districts.--

2 (1) School districts, with the help of physical  
3 educators, shall develop, expand or improve a comprehensive  
4 school physical activity program that shall include no fewer  
5 than 30 minutes of moderate to vigorous physical activity  
6 occurring throughout every regular school day for every  
7 child.

8 (2) Time spent in interscholastic athletics or physical  
9 activity after school may not count toward the physical  
10 activity requirement.

11 (b) Satisfaction of requirement.--The requirement in  
12 subsection (a) may be satisfied through a combination of the  
13 following:

14 (1) Quality physical education classes.

15 (2) Other physical activities offered throughout the  
16 regular school day, such as dance, classroom energizers and  
17 other curriculum-based physical activity programs.

18 (3) Recess and physical activity breaks. This includes:

19 (i) Elementary and middle schools shall provide at  
20 least 20 minutes per day of scheduled recess that  
21 includes moderate to vigorous physical activity.

22 (ii) For elementary and middle schools, recess may  
23 be offered before lunch.

24 (iii) High schools are encouraged to offer at least  
25 a 20-minute physical activity break. Activities and  
26 support shall encourage moderate to vigorous physical  
27 activity.

28 (iv) More than one scheduled period of physical  
29 activity may be provided. The duration of each period  
30 shall be sufficient to provide a significant health

1 benefit to students.

2 (c) Required components.--The physical activity program  
3 shall include the following components:

4 (1) Every student every year shall be encouraged to  
5 achieve an additional 30 minutes of daily physical activity  
6 during time spent outside of school. Participation in  
7 interscholastic athletics may be used to encourage  
8 achievement of the additional 30 minutes of physical  
9 activity.

10 (2) Administrators, teachers and staff may not deny  
11 physical activity for disciplinary reasons or to make up  
12 lessons.

13 (3) Physical activity shall complement and may not be a  
14 substitution for the physical education program.

15 (4) Sedentary time shall be limited to fewer than two  
16 hours at one time.

17 Section 1305-B. Physical education.

18 (a) Duty of school entities.--

19 (1) School entities shall provide physical education to  
20 every student every year, including those involved in  
21 interscholastic athletics and students in alternative  
22 education programs.

23 (2) Students every year shall be encouraged to develop  
24 an age-appropriate individualized plan that increases skill  
25 and interest in physical activity and health.

26 (b) Students with disabilities.--School entities every year  
27 shall provide adapted physical education to every student with  
28 documented medical conditions and disabilities.

29 (c) Elementary schools.--Elementary schools shall provide  
30 150 minutes of physical education per week.

1 (d) Middle and secondary schools.--Middle and secondary  
2 schools shall provide 225 minutes of physical education per  
3 week.

4 (e) Class time.--Physical education must devote at least 50%  
5 of class time to moderate to vigorous physical activity either  
6 indoors or outdoors, weather permitting.

7 (f) Curriculum.--The physical education curriculum must meet  
8 the following criteria:

9 (1) Be consistent with the standards contained in the  
10 National Health Education Standards and 22 Pa. Code Ch. 4  
11 Appendix D (relating to academic standards for the arts and  
12 humanities and health, safety and physical education and  
13 family and consumer sciences).

14 (2) Maintain student-to-teacher ratio for physical  
15 education class comparable with other classes at all grade  
16 levels.

17 (3) Meet the needs of all students, including those who  
18 are not athletically gifted.

19 (4) Actively teach cooperation and fair play.

20 (5) Promote participation in physical activity outside  
21 of school.

22 (6) Focus on helping students develop an active adult  
23 lifestyle in high school.

24 (7) Be taught by highly qualified physical education  
25 teachers who have completed accredited physical education  
26 teacher education programs and are certified to teach  
27 physical education according to 22 Pa. Code § 403.4 (relating  
28 to highly qualified teachers).

29 Section 1306-B. Safe and adequate facilities.

30 (a) Duty of school entities.--School entities shall provide

1 and properly maintain safe and adequate spaces, facilities,  
2 equipment and supplies necessary to achieve the objectives of  
3 the physical education program.

4 (b) Assessments.--Safety and hazard assessments of  
5 gymnasiums, playgrounds, athletic fields and sports-related  
6 equipment shall be conducted as a part of the school strategic  
7 plan under 22 Pa. Code § 4.13 (relating to strategic plans).  
8 Identified hazards shall be repaired before further use by  
9 students, staff or community members.

10 (c) Reports.--School entities shall report to the department  
11 on safety and hazard assessments as a part of the school  
12 strategic plan under 22 Pa. Code § 4.13. School entities shall  
13 keep written inspection reports on file for 10 years.

14 Section 1307-B. Program and student assessment.

15 (a) Required assessment.--

16 (1) School entities shall regularly assess all students  
17 to measure individual attainment of physical education  
18 learning objectives and individual improvement in achieving  
19 fitness goals.

20 (2) An individual's specific level of fitness determined  
21 by fitness assessments may not be used as a grading tool.

22 (b) Quality assessment.--School entities shall establish and  
23 oversee the ongoing implementation of a plan to assess the  
24 quality of the physical activity and physical education program.

25 (c) Report.--School entities shall report on the  
26 implementation of physical activity and physical education in  
27 their strategic plan under 22 Pa. Code § 4.13 (relating to  
28 strategic plans).

29 (d) Implementation.--The department shall monitor school  
30 implementation and effectiveness of the physical activity and



1 physical education program and include recommendations for  
2 improvement to the school board, school principal and school  
3 wellness committee.

4 Section 2. This act shall take effect in 60 days.