

111TH CONGRESS
2^D SESSION

H. R. 4557

To amend the Elementary and Secondary Education Act of 1965 to ensure that schools have physical education programs that meet minimum requirements for physical education.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2010

Mr. BACA introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to ensure that schools have physical education programs that meet minimum requirements 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 referred to as the “Physical Edu-
5 cation to Create a Healthier Nation Act”.

6 **SEC. 2. PHYSICAL EDUCATION.**

7 (a) IN GENERAL.—Subpart 1 of part A of title I of
8 the Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6311 et seq.) is amended by adding at the end
2 the following new section:

3 **“SEC. 1120C. PHYSICAL EDUCATION.**

4 “(a) IN GENERAL.—Not later than the beginning of
5 the first school year beginning after the date of enactment
6 of the Physical Education to Create a Healthier Nation
7 Act, each local educational agency receiving assistance
8 under this part shall ensure that each school served by
9 the agency has a physical education program that provides
10 for all students—

11 “(1) except as provided in paragraph (2)—

12 “(A) in the case of an elementary school,
13 150 minutes of physical education per week;
14 and

15 “(B) in the case of a middle school or high
16 school, 225 minutes of physical education per
17 week; and

18 “(2) in the case of students with disabilities
19 that impair their ability to participate in physical
20 education, such physical education as is determined
21 appropriate under the individualized education pro-
22 grams of such students (as defined in section
23 602(14) of the Individuals with Disabilities Edu-
24 cation Act).

1 “(b) STATE PLAN.—As part of the plan described in
2 section 1111, each State educational agency receiving as-
3 sistance under this part shall develop a plan to ensure that
4 all schools within the State have a physical education pro-
5 gram that meets the requirements under subsection (a).

6 “(c) LOCAL PLAN.—As part of the plan described in
7 section 1112, each local educational agency receiving as-
8 sistance under this part shall develop a plan to ensure that
9 all schools served by the local educational agency have a
10 physical education program that meets the requirements
11 under subsection (a).”.

12 (b) CONFORMING AMENDMENT.—The table of con-
13 tents in section 2 of the Elementary and Secondary Edu-
14 cation Act of 1965 is amended by inserting after the item
15 relating to section 1120B the following new item:

“Sec. 1120C. Physical education.”.

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