

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1585

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## AN ACT

To increase awareness of physical activity opportunities at school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fitness Integrated  
3 with Teaching Kids Act” or the “FIT Kids Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Childhood obesity has reached epidemic pro-  
7 portions in the United States.

8 (2) Researchers estimate that medical costs of  
9 the obesity epidemic may total as much as  
10 \$147,000,000,000 annually.

11 (3) The prevalence of overweight in children be-  
12 tween the ages of 6 and 11 years increased from 4.0  
13 percent between 1971 to 1974 to 17.5 percent be-  
14 tween 2001 to 2004, and the prevalence of over-  
15 weight in adolescents between the ages of 12 and 19  
16 years increased from 6.1 percent to 17.0 percent.

17 (4) Recent studies indicating that 17 percent of  
18 6 to 11 year-olds and 17.6 percent of 12 to 19 year-  
19 olds are considered obese. Furthermore, 33 percent  
20 of 6 to 11 year-olds and 34 percent of 12 to 19  
21 year-olds are overweight; these rates have roughly  
22 doubled since 1980.

23 (5) Of all United States deaths from major  
24 chronic disease, 23 percent are linked to sedentary  
25 lifestyles that now begin at childhood.

1           (6) Overweight adolescents have a 70 to 80 per-  
2           cent chance of becoming overweight adults, increas-  
3           ing their risk for chronic disease, disability, and  
4           death.

5           (7) A decline in physical activity has contrib-  
6           uted to the unprecedented epidemic of childhood  
7           obesity.

8           (8) The Physical Activity Guidelines for Ameri-  
9           cans published by the Secretary of Health and  
10          Human Services recommend that children engage in  
11          60 minutes or more of physical activity each day.

12          (9) In a 2005 Government Accountability Office  
13          report on key strategies to include in programs de-  
14          signed to target childhood obesity, “increasing phys-  
15          ical activity” was identified as the most important  
16          component in any such program.

17          (10) Part of the decline in physical activity has  
18          been in our Nation’s schools, where physical edu-  
19          cation programs have been cut back in the past 2  
20          decades.

21          (11) The national standard for physical edu-  
22          cation frequency, as outlined in the Physical Activity  
23          Guidelines for Americans, is 150 minutes per week  
24          in elementary school and 225 minutes per week in  
25          middle school and high school.

1           (12) Only 3.8 percent of elementary schools,  
2           7.9 percent of middle schools, and 2.1 percent of  
3           high schools provide daily physical education or its  
4           equivalent for the entire school year, and 22 percent  
5           of schools do not require students to take any phys-  
6           ical education at all.

7           (13) Among children ages 9 to 13, 61.5 percent  
8           do not participate in any organized physical activity  
9           during out-of-school hours.

10           (14) Regular physical activity is associated with  
11           a healthier, longer life and a lower risk of cardio-  
12           vascular disease, high blood pressure, diabetes, obe-  
13           sity, and some cancers.

14           (15) Research suggests a strong correlation be-  
15           tween children's fitness and their academic perform-  
16           ance as measured by grades in core subjects and  
17           standardized test scores.

18           (16) Approximately 81 percent of adults believe  
19           daily physical education should be mandatory in  
20           schools.

21 **SEC. 3. INCREASING AWARENESS OF PHYSICAL ACTIVITY**

22 **OPPORTUNITIES AT SCHOOL.**

23           (a) LOCAL EDUCATIONAL AGENCIES.—Not later  
24 than 1 year after the date of the enactment of this Act,  
25 and annually thereafter, each local educational agency lo-

1 cated in a State receiving funds under part A of title I  
2 of the Elementary and Secondary Education Act of 1965  
3 (20 U.S.C. 6311 et seq.) shall—

4 (1) post on its Internet website, or otherwise  
5 make available to parents and families of students  
6 served by the agency, information on healthful eat-  
7 ing habits, physical education, and physical activity,  
8 including information on—

9 (A) the importance of a healthy lifestyle  
10 (including healthful eating habits, physical edu-  
11 cation, and physical activity) for an effective  
12 learning environment;

13 (B) how schools served by the agency are  
14 promoting healthy lifestyles, including informa-  
15 tion on applicable elementary school and sec-  
16 ondary school programs and policies regarding  
17 nutrition, physical education, and physical ac-  
18 tivity (including coordinated school health plans  
19 or local wellness policies, as applicable);

20 (C) whether the schools served by the  
21 agency follow an age-appropriate physical edu-  
22 cation curriculum for all elementary school and  
23 secondary school students enrolled in the  
24 schools that adheres to national guidelines  
25 adopted by the Centers for Disease Control and

1 Prevention of the Department of Health and  
2 Human Services or the State in which the  
3 school is located;

4 (D) the most recent national recommenda-  
5 tions for physical education and physical activ-  
6 ity for elementary school and secondary school  
7 students, as established by the Centers for Dis-  
8 ease Control and Prevention of the Department  
9 of Health and Human Services; and

10 (E) a description of the amount of time  
11 that students in kindergarten through grade 12  
12 served by the agency are required to spend in  
13 physical education, disaggregated by grade  
14 level, including information on criteria for  
15 granting students a waiver or exemption, or al-  
16 lowing a substitution for the requirement; and

17 (2) assist each school served by the agency in  
18 collecting and disseminating (such as through the  
19 Internet website of the school) to parents and fami-  
20 lies of students enrolled in the school, information  
21 on—

22 (A) whether the school follows an age-ap-  
23 propriate physical education curriculum for all  
24 students enrolled in the school that adheres to  
25 national guidelines adopted by the Centers for

1 Disease Control and Prevention of Health and  
2 Human Services or the State in which the  
3 school is located;

4 (B) the most recent national recommenda-  
5 tions for physical education and physical activ-  
6 ity for elementary school and secondary school  
7 students, as established by the Centers for Dis-  
8 ease Control and Prevention of the Department  
9 of Health and Human Services;

10 (C) the requirements described in para-  
11 graph (1)(E);

12 (D) a description of the facilities available  
13 for physical education and physical activity for  
14 students enrolled in the school; and

15 (E) if applicable, any health and wellness  
16 council (such as a school health council or local  
17 wellness policy council) located in the school or  
18 that the school is involved with, including infor-  
19 mation on—

20 (i) members;

21 (ii) membership criteria;

22 (iii) opportunities for parental involve-  
23 ment; and

24 (iv) meeting dates and agendas.

25 (b) STATE EDUCATIONAL AGENCIES.—

1           (1) SUBMISSION; INFORMATION AVAIL-  
2 ABILITY.—Not later than 15 days after a local edu-  
3 cational agency described in subsection (a) posts on  
4 its Internet website the information described in  
5 subsection (a)(1)(E), and annually thereafter, the  
6 local educational agency shall provide to the applica-  
7 ble State educational agency the information de-  
8 scribed in such subsection.

9           (2) ADDITIONAL DUTIES OF THE STATE EDU-  
10 CATIONAL AGENCY.—A State educational agency  
11 that receives information under paragraph (1) shall  
12 ensure that the information is made available to the  
13 general public within a reasonable period of time,  
14 such as through the Internet website of the State  
15 educational agency.

16 **SEC. 4. STUDIES ON PHYSICAL ACTIVITY AND FITNESS.**

17           (a) NATIONAL RESEARCH COUNCIL STUDY.—Subject  
18 to the availability of funds appropriated to carry out this  
19 subsection, the Secretary of Education shall enter into a  
20 contract with the National Research Council of the Na-  
21 tional Academy of Sciences to—

22           (1) examine and make recommendations re-  
23 garding—

24           (A) various means that may be employed  
25 to incorporate physical activity into elementary

1 school and secondary school settings, and  
2 before- and after-school programs;

3 (B) innovative and effective ways to in-  
4 crease physical activity for all students in kin-  
5 dergarten through grade 12; and

6 (C) efforts to encourage the participation  
7 of students with disabilities in physical edu-  
8 cation programs and the types of accommoda-  
9 tions used to increase the participation of such  
10 students;

11 (2) study the impact of health, level of physical  
12 activity, and amount of physical education on stu-  
13 dents' ability to learn and maximize performance in  
14 school; and

15 (3) study and provide specific recommendations  
16 for effectively measuring the progress students, at  
17 the elementary school and secondary school level, in  
18 increasing physical activity and improving their  
19 health and well-being, including improving their—

20 (A) knowledge, awareness, and behavior,  
21 related to nutrition and physical activity;

22 (B) cognitive development, and fitness,  
23 with physical education;

24 (C) knowledge of lifetime physical activity  
25 and health promotion; and

1 (D) performance on overall health indica-  
2 tors, including flexibility, endurance, strength,  
3 balance, and blood pressure.

4 (b) NATIONAL FITNESS STUDY.—Subject to the  
5 availability of funds to carry out this subsection, the Sec-  
6 retary of Education shall conduct a study on the participa-  
7 tion of students in physical education and other physical  
8 activities in public elementary schools and public sec-  
9 ondary schools that—

10 (1) examines student participation in exercise  
11 (including sports and active games), including the  
12 types, frequency, duration, and seasonality of exer-  
13 cise participation, through—

14 (A) school physical education classes;

15 (B) other school programs; and

16 (C) intramural activities; and

17 (2) assesses student physical activity and fit-  
18 ness levels.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated such sums as may be  
21 necessary to carry out this section for fiscal year 2011.

22 **SEC. 5. DISSEMINATION OF BEST PRACTICES.**

23 (a) IN GENERAL.—Not later than 180 days after the  
24 date of the enactment of this Act, the Secretary of Edu-  
25 cation shall identify and make available to State edu-

1 cational agencies and local educational agencies, best prac-  
2 tices on innovative physical education and physical activity  
3 policies and programs at the State and local level, includ-  
4 ing best practices that—

5           (1) identify and address common challenges to  
6 States and local educational agencies in imple-  
7 menting physical education and physical activity  
8 policies and programs, including barriers for meeting  
9 national recommendations for physical education and  
10 physical activity in schools, as established by the  
11 Centers for Disease Control and Prevention of the  
12 Department of Health and Human Services; and

13           (2) meet or are working toward meeting the na-  
14 tional recommendations for physical education and  
15 physical activity in schools, as established by the  
16 Centers for Disease Control and Prevention of the  
17 Department of Health and Human Services.

18           (b) UPDATING BEST PRACTICES.—The Secretary  
19 shall update the best practices described in subsection (a)  
20 after completion of the study carried out under section  
21 4(a).

22 **SEC. 6. PROMOTING THE HEALTHIERUS SCHOOL CHAL-**  
23 **LENCE.**

24           The Secretary of Education, in collaboration with the  
25 Secretary of Agriculture, shall encourage schools to par-

1 ticipate in the HealthierUS School Challenge of the Food  
2 and Nutrition Service of the Department of Agriculture.

3 **SEC. 7. DEFINITIONS.**

4 Except as otherwise provided, any term used in this  
5 Act that is defined in section 9101 of the Elementary and  
6 Secondary Education Act of 1965 (20 U.S.C. 7801) shall  
7 have the meaning given the term in such section.

Passed the House of Representatives April 21, 2010.

Attest:

*Clerk.*



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