

110TH CONGRESS  
1ST SESSION

# S. 2173

To amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2007

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve standards 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 cited as the “Fitness Integrated  
5 with Teaching Kids Act” or the “FIT Kids Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Obesity-related diseases cost the United  
9 States economy more than \$100,000,000,000 every  
10 year.

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

4           (3) Overweight adolescents have a 70-percent  
5 chance of becoming overweight adults, increasing  
6 their risk for chronic disease, disability, and death.

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

9           (5) In 2004, an estimated 9,900,000 children  
10 and adolescents ages 6 through 19 were considered  
11 overweight.

12           (6) The Department of Health and Human  
13 Services estimates that, by 2010, 20 percent of chil-  
14 dren and youth in the United States will be obese.

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

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

22           (9) Between 1991 and 2003, enrollment of high  
23 school students in daily physical education classes  
24 fell from 41.6 percent to 28.4 percent.

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

4           (11) In a 2005 Government Accountability Of-  
5       fice report on key strategies to include in programs  
6       designed to target childhood obesity, “increasing  
7       physical activity” was identified as the most impor-  
8       tant component in any such program.

9           (12) The Dietary Guidelines for Americans rec-  
10      ommend that children engage in at least 60 minutes  
11      of physical activity on most, preferably all, days of  
12      the week.

13          (13) The national standard for physical edu-  
14      cation frequency is 150 minutes per week in elemen-  
15      tary school and 225 minutes per week in middle and  
16      high school.

17          (14) Regular physical activity is associated with  
18      a healthier, longer life and a lower risk of cardio-  
19      vascular disease, high blood pressure, diabetes, obe-  
20      sity, and some cancers.

21          (15) Evidence suggests that physical activity  
22      may have a positive impact on academic perform-  
23      ance, self-concept, and symptoms of anxiety and de-  
24      pression.

1           (16) Approximately 81 percent of adults believe  
 2       daily physical education should be mandatory in  
 3       schools.

4   **SEC. 3. REPORT CARDS.**

5       Section 1111(h) of the Elementary and Secondary  
 6   Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

7           (1) in paragraph (1)(C)—

8               (A) in clause (vii), by striking “and” after  
 9       the semicolon;

10            (B) in clause (viii), by striking the period  
 11       at the end and inserting a semicolon; and

12            (C) by adding at the end the following:

13               “(ix) the amount of time students  
 14       spend in required physical education as  
 15       measured against the national standards of  
 16       150 minutes per week of required physical  
 17       education for students in elementary school  
 18       and 225 minutes per week of required  
 19       physical education for students in middle  
 20       school and secondary school;

21               “(x) the percentage of local edu-  
 22       cational agencies in the State that have a  
 23       required, age-appropriate physical edu-  
 24       cation curriculum for all students in ele-  
 25       mentary schools, middle schools, and sec-

ondary schools that adheres to national guidelines adopted by the Centers for Disease Control and Prevention and State standards;

“(xi) the percentage of elementary school and secondary school physical education teachers who are State licensed or certified as physical education teachers; and

“(xii) the percentage of schools that have a School Health Council that includes parents, students, representatives of the school food authority, representatives of the school board, school administrators and members of the public and that meets monthly to promote a healthy school environment.”;

(2) in paragraph (2)(B)(i)—

(A) in subclause (I), by striking “and” after the semicolon;

(B) in subclause (II), by striking “and” after the semicolon; and

(C) by adding at the end the following:

“(III) the percentage of elementary school and secondary school

physical education teachers who are  
State certified as physical education  
teachers; and

“(IV) the amount of square feet  
of indoor and outdoor facilities that  
are primarily used for physical edu-  
cation and the amount of square feet  
of indoor and outdoor facilities that  
are primarily used for physical activ-  
ity; and”; and

(3) in paragraph (2)(B)(ii)—

(A) in subclause (I), by striking “and”  
after the semicolon;

(B) in subclause (II), by striking the pe-  
riod at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(III) the percentage of elemen-  
tary school and secondary school  
physical education teachers who are  
State certified as physical education  
teachers; and

“(IV) the number of meetings of  
a School Health Council that includes  
parents, students, representatives of  
the school food authority, representa-

1                   tives of the school board, school ad-  
 2                   ministrators and members of the pub-  
 3                   lic during the school year.”.

4 **SEC. 4. PROMOTING PHYSICAL EDUCATION AND ACTIVITY**  
 5 **IN SCHOOL PROGRAMS.**

6           (a) **ELEMENTARY AND SECONDARY SCHOOL COUN-**  
 7 **SELING PROGRAMS.**—Section 5421 of the Elementary and  
 8 Secondary Education Act of 1965 (20 U.S.C. 7245) is  
 9 amended—

10           (1) in subsection (b)(2)(H), by inserting “,  
 11           which design and implementation shall take into  
 12           consideration the overall emotional and physical  
 13           well-being of students” after “the program”; and

14           (2) in subsection (c)(2)(E), by inserting  
 15           “health, the importance of regular physical activity,”  
 16           after “relationships,”.

17           (b) **SMALLER LEARNING COMMUNITIES.**—Section  
 18 5441(b) of the Elementary and Secondary Education Act  
 19 of 1965 (20 U.S.C. 7249(b)) is amended by adding at the  
 20 end the following:

21           “(14) How the local educational agency will en-  
 22           sure that smaller learning communities support  
 23           healthy lifestyles including participation in physical  
 24           education and physical activity by all students and  
 25           access to nutritious food and nutrition education.”.

1 (c) 21ST CENTURY COMMUNITY LEARNING CEN-  
2 TERS.—

3 (1) PURPOSE; DEFINITIONS.—Section 4201 of  
4 the Elementary and Secondary Education Act of  
5 1965 (20 U.S.C. 7171) is amended—

6 (A) in subsection (a)(2), by inserting “nu-  
7 trition education programs, structured physical  
8 activity programs,” after “recreation pro-  
9 grams,”; and

10 (B) in subsection (b)(1)(A), by inserting  
11 “nutrition education, structured physical activ-  
12 ity,” after “recreation,”.

13 (2) LOCAL COMPETITIVE GRANT PROGRAM.—  
14 Section 4204(b)(2) of the Elementary and Sec-  
15 ondary Education Act of 1965 (20 U.S.C.  
16 7174(b)(2))—

17 (A) in subparagraph (M), by striking  
18 “and” after the semicolon;

19 (B) by redesignating subparagraph (N) as  
20 subparagraph (O); and

21 (C) by inserting after subparagraph (M)  
22 the following:

23 “(N) an assurance that the proposed pro-  
24 gram is coordinated with the physical education



1 and health education programs offered during  
 2 the school day; and”.

3 (3) LOCAL ACTIVITIES.—Section 4205(a) of the  
 4 Elementary and Secondary Education Act of 1965  
 5 (20 U.S.C. 7175(a))—

6 (A) in paragraph (11), by striking “and”  
 7 after the semicolon;

8 (B) in paragraph (12), by striking the pe-  
 9 riod at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(13) programs that support a healthy, active  
 12 lifestyle, including nutritional education and regular,  
 13 structured physical activity programs.”.

14 (d) PARENTAL INVOLVEMENT.—Section 1118 of the  
 15 Elementary and Secondary Education Act of 1965 is  
 16 amended—

17 (1) in subsection (a)(2)—

18 (A) in subparagraph (E), by striking  
 19 “and” at the end;

20 (B) by redesignating subparagraph (F) as  
 21 subparagraph (G); and

22 (C) by inserting after subparagraph (E)  
 23 the following:

24 “(F) involve and train parents in encour-  
 25 aging and supporting a healthy and active life-

style, including increased physical activity during and outside the school day, and nutritional eating habits in the home and at school; and”;  
 (2) in subsection (d)—

(A) in the subsection heading, by inserting after “ACHIEVEMENT” the following: “BY HEALTHY, ACTIVE STUDENTS”;

(B) in the matter preceding paragraph (1), by striking “standards.” and inserting “standards and to ensure that the children lead healthy, active lives.”; and

(C) in paragraph (1)—

(i) by inserting after “supportive” the following: “, healthy,”;

(ii) by striking “; and participating” and inserting “; participating”; and

(iii) by inserting after “extracurricular time” the following: “and supporting their children in leading a healthy and active life, such as by providing healthy meals and snacks, encouraging participation in physical education, and sharing in physical activity outside the school day”;

(3) in subsection (e)—

1 (A) by redesignating paragraphs (6)  
 2 through (14) as paragraphs (7) through (15),  
 3 respectively; and

4 (B) by inserting after paragraph (5) the  
 5 following:

6 “(6)(A) shall ensure that parents and teachers  
 7 have information about the importance of a healthy  
 8 lifestyle, including nutritional eating habits, physical  
 9 education, and physical activity, to an effective  
 10 learning environment; and

11 “(B) shall coordinate activities with parents  
 12 and teachers to ensure that children are provided  
 13 with nutritious meals and snacks, and have ample  
 14 opportunities for physical education and physical ac-  
 15 tivity during and outside the school day;”.

16 **SEC. 5. PROFESSIONAL DEVELOPMENT FOR TEACHERS**  
 17 **AND PRINCIPALS.**

18 (a) STATE APPLICATIONS.—Section 2112(b) of the  
 19 Elementary and Secondary Education Act of 1965 (20  
 20 U.S.C. 6612(b)) is amended by adding at the end the fol-  
 21 lowing:

22 “(13) A description of how the State edu-  
 23 cational agency will use funds under this part to  
 24 provide professional development that is directly re-  
 25 lated to the fields of physical education and health

1 education to physical education teachers and health  
 2 education teachers to ensure that children are lead-  
 3 ing healthy, active lifestyles that are conducive to ef-  
 4 fective learning.”.

5 (b) STATE USE OF FUNDS.—Section 2113(c)(6) of  
 6 the Elementary and Secondary Education Act of 1965 (20  
 7 U.S.C. 6613(c)(6)) is amended—

8 (1) by striking “, in cases in which a State edu-  
 9 cational agency determines support to be appro-  
 10 priate,”; and

11 (2) by inserting “, physical education teachers,  
 12 and health education teachers” after “pupil services  
 13 personnel”.

14 (c) LOCAL APPLICATIONS AND NEEDS ASSESS-  
 15 MENT.—Section 2122(b)(9) of the Elementary and Sec-  
 16 ondary Education Act of 1965 (20 U.S.C. 6622(b)(9)) is  
 17 amended—

18 (1) in subparagraph (C), by striking “and”  
 19 after the semicolon;

20 (2) in subparagraph (D), by striking the period  
 21 at the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(E) improve the health and eating habits  
 24 of students and increase rates of physical activ-  
 25 ity of students.”.

1       (d) LOCAL USE OF FUNDS.—Section 2123(a)(3) of  
2 the Elementary and Secondary Education Act of 1965 (20  
3 U.S.C. 6623(a)(3)) is amended—

4           (1) in subparagraph (A)—

5               (A) in clause (i), by striking “and” after  
6 the semicolon; and

7               (B) by adding at the end the following:

8                   “(iii) effective strategies for improving  
9 the healthy habits of students and the  
10 rates of physical activity by students that  
11 result in the ability to learn more effec-  
12 tively; and”; and

13          (2) in subparagraph (B)—

14               (A) in clause (iv), by striking “and” after  
15 the semicolon;

16               (B) in clause (v), by striking the period at  
17 the end and inserting “; and”; and

18               (C) by adding at the end the following:

19                   “(vi) provide training, with curricula  
20 that is evidence-based, in how to teach  
21 physical education and health education  
22 that results in the ability of students to  
23 learn more effectively.”.

1 **SEC. 6. INSTITUTE OF MEDICINE STUDY.**

2 The Secretary of Health and Human Services shall  
3 collaborate with the Secretary of Education and the Direc-  
4 tor of the Centers for Disease Control and Prevention, to  
5 fund a study conducted by the Institute of Medicine of  
6 the National Academy of Sciences that will—

7 (1) examine and make recommendations re-  
8 garding—

9 (A) various means that may be employed  
10 to incorporate physical activity into Head Start  
11 and childcare settings, elementary, middle, and  
12 high school settings, and before- and after-  
13 school programs; and

14 (B) innovative and effective ways to in-  
15 crease physical activity for all students;

16 (2) study the impact of health, level of physical  
17 activity, and amount of physical education on stu-  
18 dents' ability to learn and maximize performance in  
19 school; and

20 (3) study and provide specific recommendations  
21 for—

22 (A) effectively measuring the progress of  
23 students, at the school level, in improving their  
24 health and well-being, including improving  
25 their—

- 1 (i) knowledge, awareness, and behav-
- 2 ior changes, related to nutrition and phys-
- 3 ical activity;
- 4 (ii) cognitive development, and fitness
- 5 improvement, in physical education;
- 6 (iii) knowledge of lifetime physical ac-
- 7 tivity and health promotion;
- 8 (iv) decrease in obesity; and
- 9 (v) levels on overall health indicators;
- 10 and
- 11 (B) effectively measuring the progress of
- 12 students, at the school level, in increasing phys-
- 13 ical activity.

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