

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH60232-LE-53B (2/1)

Short Title: Healthy, Active Children in Grades K-8.

(Public)

Sponsors: Representative Bell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN
THROUGH EIGHTH GRADE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

(1) A core curriculum for all students that takes into account the special needs of children and includes appropriate modifications for the learning disabled, the academically or intellectually gifted students, and the students with discipline and emotional problems;

(2) A set of competencies, by grade level, for each curriculum area;

(2a) A requirement that children in kindergarten through eighth grade should participate in physical activity at least 30 minutes per school day or 150 minutes per school week. The requirement of these physical activity minutes can be achieved during the regularly scheduled physical education classes or activities such as recess, dance, classroom energizers in kindergarten through fifth grade, or other activity-based curriculum. Such use of time during the school day should complement, rather than substitute for the physical education program;

(3) A list of textbooks for use in providing the curriculum;

(4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with special needs and, in particular, include appropriate modifications;

- 1 (5) A program of remedial education;
- 2 (6) Required support programs;
- 3 (7) A definition of the instructional day;
- 4 (8) Class size recommendations and requirements;
- 5 (9) Prescribed staffing allotment ratios;
- 6 (10) Material and equipment allotment ratios;
- 7 (11) Facilities guidelines that reflect educational program appropriateness,
- 8 long-term cost efficiency, and safety considerations; and
- 9 (12) Any other information the Board considers appropriate and necessary.

10 The State Board shall not adopt or enforce any rule that requires Algebra I as a
 11 graduation standard or as a requirement for a high school diploma for any student whose
 12 individualized education program (i) identifies the student as learning disabled in the
 13 area of mathematics and (ii) states that this learning disability will prevent the student
 14 from mastering Algebra I."

15 **SECTION 2.** G.S. 115C-47 is amended by adding a new subdivision to read:
 16 "**§ 115C-47. Powers and duties generally.**

17 In addition to the powers and duties designated in G.S. 115C-36, local boards of
 18 education shall have the power or duty:

- 19 ...
- 20 (45) To Ensure That All Students in Kindergarten through Eighth Grade
 21 Participate in Physical Activity. –
 - 22 a. It is the duty of each local board of education to ensure that all
 23 students in kindergarten through eighth grade participate in
 24 physical activity for an average of at least 30 minutes each
 25 school day. Of this time, up to fifty percent (50%) may be
 26 assigned as homework. Parents shall be required to certify that
 27 students complete physical activity assigned as homework.
 28 Physical activity shall consist of physical exertion of at least
 29 moderate intensity level and for a duration sufficient to provide
 30 a significant health benefit to students.
 - 31 b. Local boards of education shall establish specific learning goals
 32 and objectives for the program based on the North Carolina
 33 Healthful Living Curriculum. The physical activity program
 34 shall:
 - 35 1. Emphasize knowledge and skills for a lifetime of regular
 36 physical activity;
 - 37 2. Be consistent with the North Carolina Healthful Living
 38 Standard Course of Study;
 - 39 3. Provide many different physical activity choices;
 - 40 4. Feature cooperative as well as competitive games;
 - 41 5. Meet the needs of all students, especially those who are
 42 not athletically gifted;
 - 43 6. Take into account gender and cultural differences in
 44 students' interests;

- 1 7. Teach self-management skills as well as movement
2 skills;
3 8. Actively teach cooperation, fair play, and responsible
4 participation in physical activity incorporating character
5 education concepts;
6 9. Be an enjoyable experience for students;
7 10. Be a safe environment in which children learn and
8 participate; and
9 11. Integrate health-related fitness testing into the
10 curriculum as an instructional tool except in the early
11 elementary grades.
12 c. No student shall be permitted to waive or substitute other
13 activities for the physical activity requirement. Suitably adapted
14 physical activity shall be included as a part of the individual
15 education plans for students with chronic health problems, other
16 disabling conditions, or other special needs that preclude
17 participating in regular physical activity."

18 **SECTION 3.** This act is effective when it becomes law and applies to all
19 school years beginning with the 2005-2006 school year.