

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**H**

**1**

**HOUSE BILL 865**

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

---

Sponsors: Representatives Bell; Alexander, Bordsen, Faison, Insko, Jeffus, Luebke, McLawhorn, Pierce, Wainwright, and Weiss.

---

Referred to: Education.

---

March 23, 2005

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;
- (5) A program of remedial education;

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

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

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

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

18 ...  
 19 (45) To Ensure That All Students in Kindergarten through Eighth Grade  
 20 Participate in Physical Activity. –

21 a. It is the duty of each local board of education to ensure that all  
 22 students in kindergarten through eighth grade participate in  
 23 physical activity for an average of at least 30 minutes each  
 24 school day. Of this time, up to fifty percent (50%) may be  
 25 assigned as homework. Parents shall be required to certify that  
 26 students complete physical activity assigned as homework.

27 Physical activity shall consist of physical exertion of at least  
 28 moderate intensity level and for a duration sufficient to provide  
 29 a significant health benefit to students.

30 b. Local boards of education shall establish specific learning goals  
 31 and objectives for the program based on the North Carolina  
 32 Healthful Living Curriculum. The physical activity program  
 33 shall:

- 34 1. Emphasize knowledge and skills for a lifetime of regular
- 35 physical activity;
- 36 2. Be consistent with the North Carolina Healthful Living
- 37 Standard Course of Study;
- 38 3. Provide many different physical activity choices;
- 39 4. Feature cooperative as well as competitive games;
- 40 5. Meet the needs of all students, especially those who are
- 41 not athletically gifted;
- 42 6. Take into account gender and cultural differences in
- 43 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.