

112TH CONGRESS  
1ST SESSION

# H. R. 1057

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

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2011

Mr. KIND (for himself, Mr. GERLACH, Mr. INSLEE, and Mr. JOHNSON of Illinois) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## 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) Childhood obesity has reached epidemic pro-  
9 portions in the United States.

1           (2) Obesity-related diseases cost the United  
2 States economy more than \$117,000,000,000 every  
3 year.

4           (3) The prevalence of overweight in children be-  
5 tween the ages of 6 and 11 years increased from 4.0  
6 percent in 1971–1974 to 17.5 percent in 2001–  
7 2004, and the prevalence of overweight in adoles-  
8 cents between the ages of 12 and 19 years increased  
9 from 6.1 percent to 17.0 percent.

10           (4) More than 9,000,000 children and adoles-  
11 cents between the ages of 6 and 19 years are consid-  
12 ered overweight on the basis of being in the 95th  
13 percentile or higher of BMI values in the 2000 CDC  
14 growth chart for the United States.

15           (5) If children do not become more active and  
16 healthy, one-third of all children born in 2000 or  
17 later will suffer from diabetes at some point in their  
18 lives.

19           (6) Of all United States deaths from major  
20 chronic disease, 23 percent are linked to sedentary  
21 lifestyles that now begin at childhood.

22           (7) Adolescents who are overweight have a 70–  
23 80 percent chance of becoming overweight adults, in-  
24 creasing their risk for chronic disease, disability, and  
25 death.

1           (8) A recent study showed that plaque build-up  
2           in the neck arteries of children who are obese or  
3           those with high cholesterol is similar to those levels  
4           seen in middle-aged adults.

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

8           (10) The Physical Activity Guidelines for Amer-  
9           icans recommend that children engage in 60 minutes  
10          or more of physical activity each day.

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

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

20          (13) The national standard for physical edu-  
21          cation frequency is 150 minutes per week in elemen-  
22          tary school and 225 minutes per week in middle  
23          school and high school.

24          (14) Only 3.8 percent of elementary schools,  
25          7.9 percent of middle schools, and 2.1 percent of

1 high schools provide daily physical education or its  
2 equivalent for the entire school year, and 22 percent  
3 of schools do not require students to take any phys-  
4 ical education at all.

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

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

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

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

19 **SEC. 3. REPORT CARDS.**

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

22 (1) in paragraph (1)(C)—

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

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

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

4 “(ix) the amount of time students  
5 spend in required physical education as  
6 measured against the national standards of  
7 150 minutes per week of required physical  
8 education for students in elementary school  
9 and 225 minutes per week of required  
10 physical education for students in middle  
11 school and secondary school;

12 “(x) the percentage of local edu-  
13 cational agencies in the State that have a  
14 required, age-appropriate physical edu-  
15 cation curriculum for all students in ele-  
16 mentary schools, middle schools, and sec-  
17 ondary schools that adheres to national  
18 guidelines adopted by the Centers for Dis-  
19 ease Control and Prevention and State  
20 standards;

21 “(xi) the percentage of elementary  
22 school and secondary school physical edu-  
23 cation teachers who are State licensed or  
24 certified as physical education teachers;  
25 and

1           “(xii) the percentage of schools that  
2           have a School Health Council that includes  
3           parents, students, representatives of the  
4           school food authority, representatives of  
5           the school board, school administrators  
6           and members of the public and that meets  
7           monthly to promote a healthy school envi-  
8           ronment.”;

9           (2) in paragraph (2)(B)(i)—

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

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

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

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

20                   “(IV) the amount of square feet  
21                   of indoor and outdoor facilities that  
22                   are primarily used for physical edu-  
23                   cation and the amount of square feet  
24                   of indoor and outdoor facilities that

1 are primarily used for physical activ-  
2 ity; and”; and

3 (3) in paragraph (2)(B)(ii)—

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

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

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

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

14 “(IV) the number of meetings of  
15 a School Health Council that includes  
16 parents, students, representatives of  
17 the school food authority, representa-  
18 tives of the school board, school ad-  
19 ministrators and members of the pub-  
20 lic during the school year.”.

21 **SEC. 4. PROMOTING PHYSICAL EDUCATION AND ACTIVITY**

22 **IN SCHOOL PROGRAMS.**

23 (a) **ELEMENTARY AND SECONDARY SCHOOL COUN-**  
24 **SELING PROGRAMS.**—Section 5421 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C. 7245) is  
2 amended—

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

7 (2) in subsection (c)(2)(E), by inserting  
8 “health, the importance of regular physical activity,”  
9 after “relationships.”

10 (b) SMALLER LEARNING COMMUNITIES.—Section  
11 5441(b) of the Elementary and Secondary Education Act  
12 of 1965 (20 U.S.C. 7249(b)) is amended by adding at the  
13 end the following:

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

19 (c) 21ST CENTURY COMMUNITY LEARNING CEN-  
20 TERS.—

21 (1) PURPOSE; DEFINITIONS.—Section 4201 of  
22 the Elementary and Secondary Education Act of  
23 1965 (20 U.S.C. 7171) is amended—

24 (A) in subsection (a)(2), by inserting “nu-  
25 trition education programs, structured physical



1 activity programs,” after “recreation pro-  
2 grams,”; and

3 (B) in subsection (b)(1)(A), by inserting  
4 “nutrition education, structured physical activ-  
5 ity,” after “recreation,”.

6 (2) LOCAL COMPETITIVE GRANT PROGRAM.—  
7 Section 4204(b)(2) of the Elementary and Sec-  
8 ondary Education Act of 1965 (20 U.S.C.  
9 7174(b)(2))—

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

12 (B) by redesignating subparagraph (N) as  
13 subparagraph (O); and

14 (C) by inserting after subparagraph (M)  
15 the following:

16 “(N) an assurance that the proposed pro-  
17 gram is coordinated with the physical education  
18 and health education programs offered during  
19 the school day; and”.

20 (3) LOCAL ACTIVITIES.—Section 4205(a) of the  
21 Elementary and Secondary Education Act of 1965  
22 (20 U.S.C. 7175(a))—

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

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

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

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

7 (d) PARENTAL INVOLVEMENT.—Section 1118 of the  
8 Elementary and Secondary Education Act of 1965 is  
9 amended—

10 (1) in subsection (a)(2)—

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

13 (B) by redesignating subparagraph (F) as  
14 subparagraph (G); and

15 (C) by inserting after subparagraph (E)  
16 the following:

17 “(F) involve and train parents in encour-  
18 aging and supporting a healthy and active life-  
19 style, including increased physical activity dur-  
20 ing and outside the school day, and nutritional  
21 eating habits in the home and at school; and”;

22 (2) in subsection (d)—

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

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

5 (C) in paragraph (1)—

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

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

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

17 (3) in subsection (e)—

18 (A) by redesignating paragraphs (6)  
19 through (14) as paragraphs (7) through (15),  
20 respectively; and

21 (B) by inserting after paragraph (5) the  
22 following:

23 “(6)(A) shall ensure that parents and teachers  
24 have information about the importance of a healthy  
25 lifestyle, including nutritional eating habits, physical

1 education, and physical activity, to an effective  
2 learning environment; and

3 “(B) shall coordinate activities with parents  
4 and teachers to ensure that children are provided  
5 with nutritious meals and snacks, and have ample  
6 opportunities for physical education and physical ac-  
7 tivity during and outside the school day;”.

8 **SEC. 5. PROFESSIONAL DEVELOPMENT FOR TEACHERS**  
9 **AND PRINCIPALS.**

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

14 “(13) A description of how the State edu-  
15 cational agency will use funds under this part to  
16 provide professional development that is directly re-  
17 lated to the fields of physical education and health  
18 education to physical education teachers and health  
19 education teachers to ensure that children are lead-  
20 ing healthy, active lifestyles that are conducive to ef-  
21 fective learning.”.

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

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

4           (2) by inserting “, physical education teachers,  
5           and health education teachers” after “pupil services  
6           personnel”.

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

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

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

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

16                   “(E) improve the health and eating habits  
17                   of students and increase rates of physical activ-  
18                   ity of students.”.

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

22           (1) in subparagraph (A)—

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

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

1           “(iii) effective strategies for improving  
2           the healthy habits of students and the  
3           rates of physical activity by students that  
4           result in the ability to learn more effec-  
5           tively; and”;

6           (2) in subparagraph (B)—

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

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

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

12                 “(vi) provide training, with curricula  
13                 that is evidence-based, in how to teach  
14                 physical education and health education  
15                 that results in the ability of students to  
16                 learn more effectively.”.

17 **SEC. 6. NATIONAL RESEARCH COUNCIL STUDY.**

18          Not later than 180 days after the date of enactment  
19 of this Act, the Secretary of Education shall enter into  
20 a 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 Head Start

1 and childcare settings, elementary, middle, and  
2 high school settings, and before- and after-  
3 school programs; and

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

6 (2) study the impact of health, level of physical  
7 activity, and amount of physical education on stu-  
8 dents' ability to learn and maximize performance in  
9 school; and

10 (3) study and provide specific recommendations  
11 for—

12 (A) effectively measuring the progress of  
13 students, at the school level, in improving their  
14 health and well-being, including improving  
15 their—

16 (i) knowledge, awareness, and behav-  
17 ior changes, related to nutrition and phys-  
18 ical activity;

19 (ii) cognitive development, and fitness  
20 improvement, in physical education;

21 (iii) knowledge of lifetime physical ac-  
22 tivity and health promotion;

23 (iv) decrease in obesity; and

24 (v) levels on overall health indicators;

25 and

1                   (B) effectively measuring the progress of  
2                   students, at the school level, in increasing phys-  
3                   ical activity.

○