

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2816

To support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 12, 2011

Ms. FUDGE introduced the following bill

AUGUST 30, 2011

Referred to the Committee on Education and the Workforce

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## A BILL

To support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health 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 “Promoting Health as  
5        Youth Skills In Classrooms And Life Act”.

6        **SEC. 2. FINDINGS.**

7        Congress finds the following:

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

3           (2) Researchers estimate that the medical costs  
4           of the obesity epidemic in the United States may  
5           total \$270,000,000,000 annually.

6           (3) More than one-third of children and adoles-  
7           cents are estimated to be overweight or obese.

8           (4) Of all United States deaths from major  
9           chronic disease, 23 percent are linked to sedentary  
10          lifestyles that now begin at childhood.

11          (5) Overweight adolescents have a 70- to 80-  
12          percent chance of becoming overweight adults, in-  
13          creasing their risk for chronic disease, disability, and  
14          death.

15          (6) Studies show that children born today, for  
16          the first time in 2 centuries, have a shorter life ex-  
17          pectancy than their parents.

18          (7) According to the Centers for Disease Con-  
19          trol and Prevention in 2006—

20                 (A) 1 in 5 students in grades 9–12 seri-  
21                 ously considers suicide;

22                 (B) 1 in 3 12th graders, 1 in 4 10th grad-  
23                 ers, and 1 in 10 8th graders binge drink; and

24                 (C) 1 in 10 children suffer mental illness  
25                 causing some level of impairment.

1 (8) Studies show that—

2 (A) students who receive social-psycho-  
3 logical support and prevention have improved  
4 academic achievement;

5 (B) instruction in personal and social skills  
6 improves decisionmaking and reduces risky  
7 health behaviors; and

8 (C) comprehensive programs linking rig-  
9 orous instruction with health, education, social  
10 services, and health services in schools can re-  
11 duce absenteeism.

12 (9) The American Association for Health Edu-  
13 cation recommends that students receive a minimum  
14 of 50 hours of health education per year in order to  
15 ensure health literacy.

16 (10) According to the Centers for Disease Con-  
17 trol and Prevention, only 6.4 percent of elementary  
18 schools, 20.6 percent of middle schools, and 35.8  
19 percent of high schools require health instruction in  
20 all 14 recommended health topics and only 3.8 per-  
21 cent of elementary schools, 7.8 percent of middle  
22 schools, and 2.1 percent of high schools provide daily  
23 physical education or its equivalent.

24 (11) The Institute of Medicine in 2004 reported  
25 that enhanced school health education programs are

1 essential to developing a health literate society in the  
2 United States as the Nation faces increasing health  
3 care challenges.

4 (12) According to the Centers for Disease Con-  
5 trol and Prevention, studies suggest that physical  
6 activity can impact cognitive skills and attitudes,  
7 and important components of improved academic  
8 performance, including enhanced concentration and  
9 attention as well as improved classroom behavior.

10 (13) The White House Task Force on Child-  
11 hood Obesity Report recommends increasing the  
12 quality and frequency of sequential, age, and devel-  
13 opmentally appropriate physical education for all  
14 students, taught by certified physical education  
15 teachers.

16 (14) The National Association for Sport and  
17 Physical Education recommends that elementary  
18 school students receive 150 minutes per week of  
19 physical education and that middle school and high  
20 school students receive 225 minutes per week of  
21 physical education.

22 (15) The American school system is already sit-  
23 uated to reach 50,000,000 children and youth to  
24 provide the health and physical education they need  
25 and a place for them to engage in these behaviors,

1 such as nutritious eating and participating in phys-  
2 ical activity.

3 (16) Military readiness is vulnerable, as almost  
4 30 percent of 17- to 24-year-olds are too overweight  
5 to serve in the U.S. military.

6 (17) Physical education and health education  
7 are critical to combating these harmful trends and  
8 are key components to educating the whole child.

9 **SEC. 3. OFFICE OF SAFE AND HEALTHY STUDENTS.**

10 Title II of the Department of Education Organization  
11 Act (20 U.S.C. 3411 et seq.) is amended by adding at  
12 the end the following:

13 **“SEC. 221. OFFICE OF SAFE AND HEALTHY STUDENTS.**

14 “(a) OFFICE OF SAFE AND HEALTHY STUDENTS.—  
15 There shall be an Office of Safe and Healthy Students  
16 (referred to in this section as the ‘Office’) in the Depart-  
17 ment of Education to advise the Secretary on Depart-  
18 mental matters related to health education, physical edu-  
19 cation, and providing a safe and supportive school climate  
20 for students’ learning, including promoting the acquisition  
21 of knowledge and skills needed to be healthy, productive  
22 citizens. The Office shall assume the responsibilities of the  
23 Office of Safe and Drug-Free Schools and expand such  
24 responsibilities and oversight for broader health and phys-  
25 ical education issues.

1 “(b) DIRECTOR.—

2 “(1) APPOINTMENT AND REPORTING.—The Of-  
3 fice shall be under the direction of a Director, who  
4 shall be appointed by the Secretary and who shall  
5 report directly to the Deputy Secretary.

6 “(2) DUTIES.—The Director shall—

7 “(A) promote health education activities  
8 designed to prevent, protect, and remediate the  
9 health and safety of students, including nutri-  
10 tion, health literacy, mental health, bullying,  
11 physical activity, and drug and alcohol abuse;

12 “(B) promote physical education in ele-  
13 mentary schools and secondary schools;

14 “(C) coordinate such activities within the  
15 Department of Education and with other agen-  
16 cies and organizations sharing a similar mis-  
17 sion, including the Department of Health and  
18 Human Services, the Department of Agri-  
19 culture, and the Department of Justice;

20 “(D) administer, coordinate, and rec-  
21 ommend policy for improving quality and excel-  
22 lence of programs and activities that are de-  
23 signed to—

24 “(i) provide financial assistance for  
25 activities that promote the health, safety,

1 and well-being of students in elementary  
2 schools, secondary schools, and institutions  
3 of higher education, that are carried out by  
4 State educational agencies, local edu-  
5 cational agencies, tribal schools, and public  
6 or private nonprofit organizations;

7 “(ii) participate in the formulation  
8 and development of education program pol-  
9 icy and legislative proposals and in overall  
10 Department policies related to health and  
11 safety promotion in schools;

12 “(iii) participate in interagency com-  
13 mittees, groups, and partnerships related  
14 to health and safety promotion, that in-  
15 cludes drug and violence prevention (in-  
16 cluding bullying prevention), coordinating  
17 with other Federal agencies on issues re-  
18 lated to comprehensive school health and  
19 physical education, and advising the Sec-  
20 retary on the formulation of comprehensive  
21 policies related to school health and phys-  
22 ical education;

23 “(iv) participate with other Federal  
24 agencies in the development of a national  
25 research agenda for health, physical activ-

1           ity, and safety promotion, prevention and  
2           reduction of risky health behaviors, and  
3           positive youth development, and serve as a  
4           clearinghouse for research data docu-  
5           menting the connection between student  
6           health, safety, and academic performance,  
7           attendance and future job success;

8           “(v) serve a coordinating function  
9           within the Department to identify all pro-  
10          grams that address any aspect of student  
11          health and safety promotion within schools  
12          and ensure that the programs work in a  
13          coordinated manner;

14          “(vi) analyze data to assess progress  
15          and achievement of relevant national  
16          health objectives for the Nation; and

17          “(vii) serve as a clearinghouse for  
18          local educational agencies and schools  
19          needing technical assistance in addressing  
20          student health and safety issues; and

21          “(E) submit a biennial report to Congress  
22          regarding—

23                  “(i) the expansion of—

24                          “(I) physical education, health  
25                          education and school health programs,



1 and the improvement of student  
2 knowledge, skills, and behavior; and

3 “(II) teachers and others pre-  
4 pared to provide such programs and  
5 services; and

6 “(ii) the integration of physical activ-  
7 ity and health programs throughout the  
8 school day, including before and after  
9 school and in the community.”.

10 **SEC. 4. HEALTH EDUCATION AND PHYSICAL EDUCATION.**

11 (a) DEFINITIONS.—Section 9101(11) of the Elemen-  
12 tary and Secondary Education Act of 1965 (20 U.S.C.  
13 7801(11)) is amended by striking “and geography” and  
14 inserting “geography, physical education, and health edu-  
15 cation”.

16 (b) ASSESSMENTS.—Section 1111(b)(3) of the Ele-  
17 mentary and Secondary Education Act of 1965 (20 U.S.C.  
18 6311(b)(3)) is amended by adding at the end the fol-  
19 lowing:

20 “(E) ASSESSMENTS FOR HEALTH EDU-  
21 CATION AND PHYSICAL EDUCATION.—Notwith-  
22 standing any other provision of this Act, each  
23 State shall determine the most feasible measure  
24 for assessing students in health education and  
25 physical education, including the use of adapt-

1           ive assessments, to measure student knowledge  
2           and performance according to State standards  
3           and benchmarks.”.

4 **SEC. 5. HEALTH EDUCATION GRANT PROGRAM.**

5           (a) IN GENERAL.—Title IV of the Elementary and  
6 Secondary Education Act of 1965 (20 U.S.C. 7101 et  
7 seq.) is amended by adding at the end the following:

8                           **“PART D—HEALTH EDUCATION**

9 **“SEC. 4401. HEALTH EDUCATION PROGRAMS.**

10           “(a) PURPOSE.—It is the purpose of this section to  
11 award grants and contracts to initiate, expand, and im-  
12 prove health education programs for all kindergarten  
13 through 12th-grade students.

14           “(b) ESTABLISHMENT.—The Secretary is authorized  
15 to award grants to, and enter into contracts with, local  
16 educational agencies, including tribal schools and tribal  
17 school education agencies, community-based organiza-  
18 tions, and nonprofit organizations to initiate, expand, and  
19 improve health education programs for kindergarten  
20 through grade 12 students, especially in rural areas, by—

21                           “(1) providing resources and support to enable  
22 students to develop health literacy and skills to live  
23 more healthfully;

24                           “(2) developing or enhancing health education  
25 curricula to meet national goals for health education

1 developed by the Secretary in consultation with the  
2 Director of the Centers for Disease Control and Pre-  
3 vention;

4 “(3) providing funds for technology, curriculum,  
5 related materials, and training, including on-line  
6 learning; and

7 “(4) providing funds for professional develop-  
8 ment for teachers, school nurses, wellness coordina-  
9 tors, and other personnel involved in student health.

10 “(c) APPLICATION.—

11 “(1) SUBMISSION.—Each local educational  
12 agency, community-based organization, or nonprofit  
13 organization desiring a grant or contract under this  
14 section shall submit to the Secretary an application  
15 that contains a plan to initiate, expand, or improve  
16 health education programs in order to make  
17 progress toward meeting State or national standards  
18 for health education.

19 “(2) PROPORTIONALITY.—To the extent prac-  
20 ticable, the Secretary shall ensure that grants  
21 awarded under this section shall be equitably distrib-  
22 uted among local educational agencies, community-  
23 based organizations, and nonprofit organizations  
24 serving urban and rural areas.

1       “(d) PROGRAM ELEMENTS.—A health education pro-  
2 gram funded under this section may provide for 1 or more  
3 of the following:

4               “(1) Curriculum development activities designed  
5 to enhance school curricula efforts.

6               “(2) Instruction in health designed to enhance  
7 the physical, mental, and social or emotional devel-  
8 opment of every student.

9               “(3) Development of personal and life skills de-  
10 signed to reduce risky behaviors.

11              “(4) Opportunities to develop decisionmaking  
12 and problem solving skills.

13              “(5) Instruction in healthy eating habits and  
14 good nutrition.

15              “(6) Opportunities for professional development  
16 for teachers of health education to stay current with  
17 the latest research, issues, and trends in the field of  
18 health education.

19              “(7) Opportunities to assess school health cur-  
20 riculum needs and priorities and to assess students’  
21 progress in meeting health education standards.

22       “(e) REQUIREMENTS.—

23              “(1) ANNUAL REPORT TO THE SECRETARY.—In  
24 order to continue receiving funding after the first  
25 year of a multi-year grant or contract under this

1 section, the administrator of the grant or contract  
2 for the local educational agency, community-based  
3 organization, or nonprofit organization shall submit  
4 to the Secretary an annual report that—

5 “(A) describes the activities conducted dur-  
6 ing the preceding year; and

7 “(B) demonstrates progress and achieve-  
8 ments made toward meeting State or national  
9 standards for health education.

10 “(2) ADMINISTRATIVE EXPENSES.—Not more  
11 than 5 percent of the grant funds made available to  
12 a local educational agency, community-based organi-  
13 zation, or nonprofit organization under this section  
14 for any fiscal year may be used for administrative  
15 expenses.

16 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made  
17 available under this section shall be used to supplement,  
18 and not supplant, any other Federal, State, or local funds  
19 available for health education activities.”.

20 (b) TABLE OF CONTENTS.—The table of contents in  
21 section 2 of the Elementary and Secondary Education Act  
22 of 1965 is amended by inserting after the item relating  
23 to section 4304 the following:

“PART D—HEALTH EDUCATION

“Sec. 4401. Health Education Programs.”.

1 **SEC. 6. CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.**

2 (a) IN GENERAL.—The Carol M. White Physical  
3 Education Program (20 U.S.C. 7261 et seq.) is amended  
4 by adding at the end the following:

5 **“SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.**

6 “There are authorized to be appropriated to carry out  
7 this subpart such sums as may be necessary for fiscal year  
8 2012 and each of the 4 succeeding fiscal years.”.

9 (b) TABLE OF CONTENTS.—The table of contents in  
10 section 2 of the Elementary and Secondary Education Act  
11 of 1965 is amended by inserting after the item relating  
12 to section 5507 the following:

“Sec. 5508. Authorization of appropriations.”.

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