

SECOND REGULAR SESSION

# HOUSE BILL NO. 2357

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BAKER (25) (Sponsor), LeVOTA, WILDBERGER, GRILL,  
WALLACE AND YATES (Co-sponsors).

Read 1st time March 5, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3270L.01I

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### AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to physical education.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be  
2 known as section 167.720, to read as follows:

**167.720. 1. All school districts shall comply with the requirements of this section  
2 by July 1, 2011.**

3 **2. As used in this section, unless the context otherwise requires, the following terms**  
4 **mean:**

5 **(1) "Least restrictive environment", placing the student with a disabling condition**  
6 **at a point along a continuum of educational placement alternatives where all students**  
7 **coexist, interact, and learn to the fullest extent of each of their respective abilities;**

8 **(2) "Moderate physical activity", low to medium impact physical exertion that**  
9 **causes an individual's heart rate to rise to fifty to seventy-five percent of his or her**  
10 **maximum heart rate. Maximum heart rate is roughly calculated as 220 minus a person's**  
11 **age;**

12 **(3) "Physical education", instruction in healthy active living by a teacher certified**  
13 **to teach physical education, structured in such a way that it is a regularly scheduled class**  
14 **for students;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended  
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           (4) "Recess", a structured play environment, outside of regular classroom  
16 instructional activities, where students are allowed to engage in supervised safe, active free  
17 play. This does not count as physical education.

18           3. The required elements of physical education shall be as follows:

19           (1) Every student in kindergarten through eighth grade shall participate in daily  
20 physical education for the entire school year, including students with disabling conditions  
21 and those in alternative education programs. Students in the elementary schools shall  
22 participate in physical education for at least one hundred fifty minutes during each five-  
23 day school week, and students in middle schools shall participate for at least two hundred  
24 twenty-five minutes per five-day school week. High school students shall be required to  
25 earn two credits or four semesters of physical education for graduation;

26           (2) A minimum of one recess period of ten minutes per day shall be provided for  
27 children in kindergarten through fifth grade;

28           (3) Schools shall establish specific learning goals and objectives for physical  
29 education. A sequential, developmentally appropriate curriculum shall be designed,  
30 implemented, and evaluated to help students develop the knowledge, motor skills,  
31 self-management skills, attitudes, and confidence needed to adopt and maintain physical  
32 activity throughout their lives. The physical activity program shall:

33           (a) Emphasize knowledge and skills for a lifetime of regular physical activity;

34           (b) Be consistent with the show-me standards and grade level expectations for  
35 physical education that define what students should know and be able to do;

36           (c) Devote at least fifty percent of class time to moderate physical activity in each  
37 week;

38           (d) Provide many different physical activity choices;

39           (e) Feature predominantly fitness-based activities that include cooperative as well  
40 as competitive games;

41           (f) Meet the needs of all students, especially those who are not athletically gifted;

42           (g) Teach healthy active living skills;

43           (h) Actively teach cooperation, fair play, and responsible participation in physical  
44 activity;

45           (i) Have student/teacher ratios comparable to those in other curricular areas to  
46 ensure safety and to devote adequate attention to each student; and

47           (j) Promote participation in physical activity outside of school.

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49 Recognizing that all students deserve the opportunity to participate as fully as they are  
50 able, suitably adapted physical education shall be included as a part of individual

51 education plans for students with chronic health problems, other disabling conditions, or  
52 other special needs that preclude such students' participation in regular physical education  
53 instruction or activities. The school shall provide students who have either permanent or  
54 temporary disabling conditions with opportunities to participate as fully as they are able,  
55 rather than summarily dismissing them from the activity. A student may be excused to the  
56 least restrictive environment if a physician states in writing that physical activity will  
57 jeopardize the student's health and well-being;

58 (4) All students shall be regularly assessed at the local level for attainment of  
59 physical education learning objectives;

60 (5) Health-related fitness testing shall be integrated into the curriculum as an  
61 instructional tool. Tests shall be appropriate to students' developmental levels and  
62 physical abilities. Such testing shall be used to teach students how to assess their fitness  
63 levels, set goals for improvement, and monitor progress in reaching their goals. In the first  
64 through eighth grades, and during high school when a physical education course is taken,  
65 all students shall be assessed on their physical fitness proficiency using the state's physical  
66 fitness assessment. Results shall be reported to the department in the June reporting cycle  
67 for core data;

68 (6) Schools shall encourage students in self-improvement and sustaining healthy  
69 fitness levels. If a school or school district maintains a web page, the school or school  
70 district shall create a fitness page or other suitable computer application for students to  
71 record their self-assessment statistics. Any such page shall provide an appropriate level  
72 of protection of individual student records, consistent with the Health Information  
73 Portability and Accountability Act.

74 4. Exemptions for physical education courses shall not be permitted on the basis  
75 of participation on an athletic team, community recreation program, ROTC, marching  
76 band, or other school or community activity.

77 5. Physical education shall be taught by teachers certified by the state to teach  
78 physical education. All physical education teachers shall be adequately prepared and  
79 regularly participate in professional development activities to deliver the physical  
80 education program effectively.

81 6. School leaders shall ensure the cost-efficient provision of adequate spaces,  
82 facilities, equipment, supplies, and operational budgets that are necessary to achieve the  
83 objectives of the physical education program.

84 7. The physical education program shall be closely coordinated with other  
85 components of the overall school health program, local wellness policy, and the health  
86 education and physical education grade level expectations.

87           **8. School districts shall engage, where possible, in creating community and business**  
88 **partnerships that will supply the resources to reward schools for improved health status**  
89 **through their school health councils, as required by the school wellness policy.**

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