

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 11, 2008

AMENDED IN ASSEMBLY APRIL 10, 2008

AMENDED IN ASSEMBLY MARCH 25, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2072**

---

---

**Introduced by Assembly Member Hayashi  
(Coauthor: Assembly Member Horton)**

February 19, 2008

---

---

An act to add Chapter 11 (commencing with Section 9010) to Part 6 of Division 1 of Title 1 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, as amended, Hayashi. Physical education: award program.

Existing law requires school districts to include physical education in the course of study for pupils in grades 1 to 12, inclusive. Existing law requires the governing board of a school district maintaining any of grades 5, 7, and 9 to administer the physical performance test designated by the state board to each pupil in those grades during the month of February, March, April, or May.

This bill would require the State Board of Education to establish the Physical Education Award Program to recognize schools that conduct their physical education courses pursuant to the model content standards and demonstrate that increasing numbers of pupils enrolled in those

schools meet minimum standards on the physical performance test designated by the state board. The Superintendent of Public Instruction would be required to use currently collected data and specified eligibility criteria to identify one school from each legislative district in the state to receive recognition, which may include, but would not be limited to, classification as a distinguished school, being listed on a published public school honor roll, and public commendations by the Governor and the Legislature. The Legislature would be required, to the extent that funds are available, to recognize the schools identified by the Superintendent. *The bill would require that private funds be used to pay for all of the costs of implementing the program, including the administrative costs of the State Department of Education, and would authorize the Superintendent to receive donations of private funds for purposes of implementing the program. The bill would prohibit the state board from establishing the program unless and until the Department of Finance certifies to the Superintendent that private donations received by the state are sufficient to implement the program.*

~~These provisions would not become operative unless and until the Department of Finance certifies to the Secretary of State that sufficient private funds have been received to implement these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 11 (commencing with Section 9010) is  
2 added to Part 6 of Division 1 of Title 1 of the Education Code, to  
3 read:

4  
5 CHAPTER 11. PHYSICAL EDUCATION AWARD PROGRAM

6  
7 9010. This chapter shall be known and may be cited as the  
8 Excellence in Physical Education Act of 2008.

9 9011. The Legislature finds and declares all of the following:

10 (a) The department has reported that a majority of this state's  
11 children are not physically fit.

12 (b) Obesity in California's schools is reaching epidemic  
13 proportions.

1 (c) The federal Centers for Disease Control and Prevention have  
2 identified physical education as an effective intervention in the  
3 fight against childhood obesity.

4 (d) Providing ongoing incentives to California's schools in order  
5 to increase the physical fitness of pupils is a necessary systemic  
6 solution to combating obesity and improving the overall education  
7 performance of pupils.

8 9012. (a) The state board shall establish the Physical Education  
9 Award Program to recognize schools that conduct their physical  
10 education courses pursuant to the model content standards adopted  
11 pursuant to Section 60605.2 and demonstrate that increasing  
12 numbers of pupils enrolled in those schools meet minimum  
13 standards on the physical performance test designated by the state  
14 board pursuant to Section 60800.

15 (b) The Superintendent shall use currently collected data and  
16 the criteria described in subdivision (c) to identify one school from  
17 each legislative district in the state to receive recognition, which  
18 may include, but is not limited to, classification as a distinguished  
19 school, being listed on a published public school honor roll, and  
20 public commendations by the Governor and the Legislature. The  
21 Legislature, to the extent that funds are available, shall recognize  
22 the schools identified by the Superintendent pursuant to this  
23 subdivision.

24 (c) The school in each legislative district with the highest  
25 percentage of pupils who meet the minimum standards on the  
26 physical performance test described in subdivision (a) is eligible  
27 to receive recognition pursuant to subdivision (b). The  
28 Superintendent may develop additional criteria for recognition as  
29 he or she deems appropriate.

30 ~~(d) This section shall not become operative unless and until the~~  
31 ~~Department of Finance certifies to the Secretary of State that~~  
32 ~~sufficient private funds have been received to implement this~~  
33 ~~section.~~

34 *(d) Private funds shall be used to pay for all of the costs of*  
35 *implementing the program, including the administrative costs of*  
36 *the State Department of Education. The Superintendent may receive*  
37 *donations of private funds for purposes of implementing the*  
38 *program.*

39 *(e) The state board shall not establish the program described*  
40 *in this section unless and until the Department of Finance certifies*

- 1 *to the Superintendent that private donations received by the state*
- 2 *are sufficient to implement the program.*

O