

Assembly Bill No. 727

Passed the Assembly September 11, 1997

Chief Clerk of the Assembly

Passed the Senate September 3, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

An act to add Section 51223.1 to the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 727, Martinez. Education: physical education instruction.

(1) Existing law requires all pupils, except pupils excused or exempted pursuant to a specified statute, to attend upon courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays, or in the case of elementary schools maintaining any of grades 1 to 8, inclusive, 200 minutes each 10 schooldays.

This bill would express the intent of the Legislature that all children shall have access to a high-quality, comprehensive, and developmentally appropriate physical education program on a regular basis. The bill would impose a state-mandated local program by requiring that not less than 10% of the school districts of the state, as selected by the Superintendent of Public Instruction as specified, report to the Superintendent of Public Instruction in the Coordinated Compliance Review as to the extent of its compliance with the minimum time requirements of physical education instruction during that school year. The bill would require that, for purposes of determining compliance with these provisions, the Superintendent of Public Instruction shall not count the time spent in recesses and the lunch period.

This bill would require a school district that fails to comply with the existing statutory requirements to issue a corrective plan to the State Department of Education within one year of receiving a noncompliance notification from the department.

The bill would not be applicable to high schools.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain



costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 51223.1 is added to the Education Code, to read:

51223.1. (a) (1) The Legislature finds and declares all of the following:

(A) The Education Code currently mandates 200 minutes of physical education every 10 days for pupils in elementary school. Recent studies have shown that the vast majority of children and youth are not physically fit.

(B) According to a March 1997 report by the Centers for Disease Control, the percentage of children and adolescents who are overweight has more than doubled in the last 30 years. Most of this increase occurred in the last 10 years.

(C) Nearly 40 percent of children of ages five to eight years have health conditions that significantly increase their risk of early heart disease.

(D) Some 70 percent of girls, and 40 percent of boys, who are from 6 to 12 years of age do not have enough muscle strength to do more than one pullup.

(E) Most children lead inactive lives. On the average, first through fourth graders spend two hours watching television on schooldays and spend close to three and one-half hours watching television on weekend days.

(2) It is, therefore, the intent of the Legislature that all children shall have access to a high-quality, comprehensive, and developmentally appropriate physical education program on a regular basis.



(b) (1) Each school district selected by the Superintendent of Public Instruction pursuant to paragraph (2) shall report to the Superintendent of Public Instruction in the Coordinated Compliance Review as to the extent of its compliance with subdivision (a) of Section 51222 and Section 51223 during that school year.

(2) The Superintendent of Public Instruction shall select not less than 10 percent of the school districts of the state to report compliance with the provisions set forth in paragraph (1). The school districts selected shall provide a random and accurate sampling of the state as a whole.

(c) For purposes of determining compliance with these provisions, the Superintendent of Public Instruction shall not count the time spent in recesses and the lunch period.

(d) A school district that fails to comply with the existing statutory requirements shall issue a corrective plan to the State Department of Education within one year of receiving a noncompliance notification from the department.

(e) This section shall not be applicable to high schools.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1997

Governor

