

ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE

April 16, 2016

8:01 a.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Liz Vazquez, Vice Chair
Representative Paul Seaton
Representative David Talerico
Representative Harriet Drummond
Representative Ivy Spohnholz

MEMBERS ABSENT

Representative Jim Colver

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 200(FIN)

"An Act relating to health education and physical activity requirements for students in grades kindergarten through eight."

- MOVED HCS CSSB 200(EDC) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 200

SHORT TITLE: MANDATORY PHYSICAL ACTIVITY IN SCHOOLS

SPONSOR(S): SENATOR(S) COSTELLO

02/22/16	(S)	READ THE FIRST TIME - REFERRALS
02/22/16	(S)	EDC, FIN
03/22/16	(S)	EDC AT 3:30 PM BUTROVICH 205
03/22/16	(S)	Heard & Held
03/22/16	(S)	MINUTE (EDC)
03/31/16	(S)	EDC AT 3:30 PM BUTROVICH 205
03/31/16	(S)	Moved SB 200 Out of Committee
03/31/16	(S)	MINUTE (EDC)
04/01/16	(S)	EDC RPT 1NR 2AM
04/01/16	(S)	NR: GIESSEL
04/01/16	(S)	AM: DUNLEAVY, GARDNER
04/09/16	(S)	FIN AT 10:00 AM SENATE FINANCE 532
04/09/16	(S)	Heard & Held
04/09/16	(S)	MINUTE (FIN)
04/11/16	(S)	FIN AT 9:00 AM SENATE FINANCE 532

04/11/16 (S) Scheduled but Not Heard
04/11/16 (S) FIN AT 2:00 PM SENATE FINANCE 532
04/11/16 (S) Moved CSSB 200(FIN) Out of Committee
04/11/16 (S) MINUTE (FIN)
04/12/16 (S) FIN RPT CS 2DP 4NR NEW TITLE
04/12/16 (S) DP: MACKINNON, BISHOP
04/12/16 (S) NR: MICCICHE, DUNLEAVY, OLSON, HOFFMAN
04/13/16 (S) TRANSMITTED TO (H)
04/13/16 (S) VERSION: CSSB 200(FIN)
04/13/16 (H) READ THE FIRST TIME - REFERRALS
04/13/16 (H) EDC
04/16/16 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

SENATOR MIA COSTELLO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced the committee substitute (CS) for SB 200(FIN), as sponsor.

SORCHA HAZELTON, Intern
Senator Mia Costello
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the CS for SB 200(FIN), on behalf of Representative Costello, sponsor.

PAMELA SKOGSTAD, Adapted Physical Education Specialist
Hope, Alaska

POSITION STATEMENT: Testified in support of the CS for SB 200(FIN), and recommended an amendment.

MARK FRAAD, Physical Education Teacher
Seward, Alaska

POSITION STATEMENT: Testified in support of the CS for SB 200(FIN).

GEORGE BROWN, DR., Pediatrics
Douglas, Alaska

POSITION STATEMENT: Testified in support of the CS for SB 200(FIN).

DENALI DANIELS, Consultant
Anchorage, Alaska

POSITION STATEMENT: Testified in support of the CS for SB 200(FIN).

TRAVIS HARRINGTON, Athletic Coach
Palmer, Alaska

POSITION STATEMENT: Testified with concern on the CS for SB 200(FIN).

AMY JO MEINERS, Teacher of the Year
Juneau, Alaska

POSITION STATEMENT: Testified with concern on the CS for SB 200(FIN).

ACTION NARRATIVE

[8:01:58 AM](#)

CHAIR WES KELLER called the House Education Standing Committee meeting to order at 8:01 a.m. Representatives Keller, Vasquez, Seaton, and Talerico were present at the call to order. Representatives Spohnholz, and Drummond arrived as the meeting was in progress.

SB 200-MANDATORY PHYSICAL ACTIVITY IN SCHOOLS

[8:02:29 AM](#)

CHAIR KELLER announced that the only order of business would be CS FOR SENATE BILL NO. 200(FIN), "An Act relating to health education and physical activity requirements for students in grades kindergarten through eight."

[8:02:39 AM](#)

SENATOR MIA COSTELLO, Alaska State Legislature, stated the prevailing needs that make the CS for SB 200(FIN) important legislation to adopt, which include: a childhood obesity epidemic; trends of young children with anxiety and depression; and concern for improving the results in classrooms. The intent of the proposed legislation is to address these issues, and support the growing body of research identifying the mind-body connection.

[8:04:04 AM](#)

SORCHA HAZELTON, Intern, Senator Mia Costello, Alaska State Legislature, presented the CS for SB 200(FIN) paraphrasing from

a prepared statement, which read as follows [original punctuation provided]:

SB 200 will help ensure Alaskan kids are physically active & mentally healthy. The bill will set a balance of structured & unstructured time during the school day.

It would amend state law to ensure school districts provide students with a daily minimum physical activity for students in kindergarten through 8th grade. The amount of time is based on the US Center for Disease Control & Prevention recommendation, currently 60 minutes for children and adolescents. This bill calls for 90% of that 60 minutes, or 54 minutes, to be provided by Alaska school districts for each full school day.

SB 200 allows for this standard to be filled through unstructured time, like recess, physical education classes, or even in-class exercises.

This allows school districts to decide what best fits their schools: increasing time spent in PE classes, lengthening recess, etc.

According to the American Academy of Pediatrics, school constitutes nearly half of students' wakeful hours.

As standards and expectations have increased over the years, children are spending more hours per day, and days per year in school. (Psychology Today - Decline of Play & Rise in Children's Mental Disorders)

This increase in standards has resulted in national declines in recess and physical education time in the school day. As of 2012, only 5 states require daily recess for elementary students (Policy Strategies for Supporting Recess in Elementary Schools)

This bill would encourage the physical health section of students' schooling, supporting physical fitness habits and interests that keep Alaska's kids active and healthy into their adulthood.

State of Alaska (Alaska School Districts Physical Education & Recess Policy Survey, March 2014, Denali L Daniels & Associates, funded by DH&SS)

The State of Alaska is one of 7 states that does not lay out in statute that elementary school students must participate in physical education classes (7). Alaska also does not have a policy requiring or recommending recess or physical activity breaks at any grade level (14).

Only a little more than half (53%) of Alaska school districts have a written policy for elementary and middle school recess.

A third of school district elementary school policies don't meet the CDC's daily recommended amount in a week.

Physical activity, whether via unstructured time or through physical education classes, have a number of benefits for students. The major benefits are combating childhood obesity, improving academic performance, and fighting the rise in youth mental disorders. In addition, increased physical activity allows students to engage with each other and learn from their peers outside of the classroom.

Childhood obesity is an issue in the United States, and in the state of Alaska.

Among Alaskan high school students, 26% are overweight or obese (ADN, Alaska Obesity Prevention & Control Program)

40% of Alaskan 3 [year olds] are either overweight or obese, according to the 2014 Alaska Obesity Facts Report produced for a number of State departments, including Public Health, Health & Social Services, & Obesity Prevention & Control Program.

SB 200 aims to decrease these percentages with simple activity.

Nationally, Recess and PE have been cut down or removed from the academic schedule, understandably, for the sake of instructional time. But exercise and

breaks from school work, provided for in Senate Bill 200, have been proven to increase retention of information and focus.

Adults have the ability to step away from their desks, grab coffee, chat with coworkers, and take a break from the concentration their jobs require. Students in school don't have this option.

The American Academy of Pediatrics found kids' brains process information best if given a period of interruption after instruction. This is best served through unstructured breaks, rather than shifting from one subject to the next. SB 200 gives students this time to recharge for the lessons ahead and allow information to sink in.

In a number of schools in California that engaged in physical activity programs, teachers reclaimed up to 40 instructional hours a year because kids returned to the classroom focused and ready to learn (Scholastic - Recess Makes Kids Smarter)

In addition to the physical and scholastic benefits of increased physical activity, unstructured time has a mental benefit for students as well.

Play helps children (a) develop intrinsic interests and competencies; (b) learn how to make decisions, solve problems, exert self-control, and follow rules; (c) learn to regulate their emotions; (d) make friends and learn to get along with others. All of which promote mental health (American Journal of Play - Decline in Play & Rise in Psychopathy)

Education outside classroom

Students learn from each other as well, which most often is found during unstructured time, when students freely engage with each other.

Recess offers a time to engage in peer interactions, unguided by teachers, in which they learn essential social skills: communication, negotiation, cooperation, sharing, problem solving, coping, perseverance, self-control. All of these skills are

foundations for healthy development. (American Academy of Pediatrics)

One of the key values of recess is for children to find things out on their own, without too much direction (Christian Science Monitor - All Work, No Play at School)

There are a number of case studies of classrooms and schools who have experienced firsthand the benefits of increased physical activity during the school day. Senator Costello mentioned Eagle Mountain Elementary in Fort Worth, Texas.

In a study reported by the CDC, 2nd graders exhibit greater concentration and demonstrated higher math fluency after engaging in 5 minute movement breaks; teachers observed higher student concentration levels after daily stretching exercises.

Other industrialized countries such as China, Taiwan, and Japan are often highlighted as examples where students spend long hours in school and perform well academically. Nearly $\frac{1}{4}$ of the school day in these countries is made up of frequent recesses, long lunch periods, and afterschool activities (Early Childhood News - Recess & Social Development)

A 2014 study at [University of Colorado] Boulder & [University of] Denver found 6 [year olds] with more unstructured time showed signs of stronger executive functioning and decision making skills. These skills support strong social relationships and are linked to academic success throughout a student's career. (Education Week - Withholding Recess as Discipline in Decline)

This bill will ensure Alaskan students have an active component of their school day and a more active lifestyle. This provides them with time to learn from their peers outside the classroom and discover new interests.

SB 200 originated from research performed by the American Academy of Pediatrics, the Center for Disease Control & Prevention, The American Journal of Play, and Scholastic, among many others. This research has

shown that the national trend of recess and PE removal has not been helpful to students; that PE and unstructured play benefit kids in so many ways and make our students better, healthier, and happier.

This bill sets up this time as a daily part of students' schedule.

[8:10:30 AM](#)

REPRESENTATIVE DRUMMOND stated unconditional support for any bill that allows children to be children, and expressed concern about students with disabilities. She asked how students with physical/developmental disabilities would be included in activities as an alternative to invoking the exemption language included in the bill.

MS. HAZELTON responded that an exemption is allowed in the proposed legislation, but the specifics are left to the Department of Education and Early Development (EED) to regulate.

REPRESENTATIVE DRUMMOND commented that it may present a problem.

[8:12:11 AM](#)

The committee took a brief at-ease at 8:12 a.m.

[8:12:25 AM](#)

REPRESENTATIVE SEATON directed attention to the CS page 1, lines 5 [and 6], which read:

(c) In addition to the health education program encouraged under (a) of this section, a school district [shall] require schools in the district to include ...

REPRESENTATIVE SEATON reported having received requests to amend the language from "shall require schools" to read "shall provide opportunity." He asked whether any other committees of referral have had similar concerns.

[8:14:21 AM](#)

SENATOR COSTELLO said questions have arisen for activity levels needed, and explained that testimony will address how specific needs are being met. A cultural change will be experienced in

some communities. The growing cost of fighting childhood obesity is in the hundreds of millions, and this may be a vehicle to improve the situation. She maintained that requiring districts to take measures is not unreasonable, and flexibility is provided in the CS; as will be reported later in public testimony. Exemption language is included, she pointed out.

[8:17:07 AM](#)

REPRESENTATIVE SPOHNHOLZ noted concerns for fitting this requirement into the busy, middle school, class schedule.

MS. HAZELTON deferred.

[8:17:40 AM](#)

CHAIR KELLER clarified that the department would make the determinations for exemptions, and the programs are a mandate on districts not the department.

SENATOR COSTELLO said the regulations would need to be promulgated by EED, based on the statute. Some students may not be mobile and able to participate and an exemption would be available.

CHAIR KELLER asked whether oversight would be under the purview of the State Board of Education and Early Development.

SENATOR COSTELLO responded that there is nothing addressing that in the bill.

[8:19:14 AM](#)

REPRESENTATIVE VAZQUEZ paraphrased from the CS page 1, lines 7-8, which read:

... a minimum of 90 percent of the daily amount of physical activity recommended ...

REPRESENTATIVE VAZQUEZ asked what the 90 percent translates to in the course of a school day.

[8:19:37 AM](#)

MS. HAZELTON responded that it provides 54 minutes of physical activity, although the Centers for Disease Control (CDC) recommends 60 minutes.

REPRESENTATIVE VAZQUEZ asked whether the guidelines are for daily exercise.

MS. HAZELTON answered, "Yes."

REPRESENTATIVE VAZQUEZ directed attention to the committee packet report titled, "Alaska School Districts, Physical Education & Recess Policy Survey," dated March 2014, by DDA Denali L. Daniels & Associates, and asked if the report is consistent with the CDC findings.

MS. HAZELTON deferred.

[8:21:00 AM](#)

REPRESENTATIVE SEATON noted that the district policy states that schools shall encourage students to meet the American Academy of Pediatrics recommendation of 50 minutes of daily physical exercise. By adopting the federal CDC requirements as a standard, Alaska's schools that follow the American Academy of Pediatrics recommendation would not meet the threshold, he pointed out, and asked why the CS uses the CDC standard.

SENATOR COSTELLO responded that the CDC standards encompass the scope of the bill more fully. Also, the body of research, and other recommendations the agency provides, is well substantiated.

REPRESENTATIVE SEATON ascertained that the state statutes will be appropriately aligned, if the CDC standards are adopted.

SENATOR COSTELLO concurred.

[8:23:54 AM](#)

CHAIR KELLER opened public testimony.

[8:24:01 AM](#)

PAMELA SKOGSTAD, Adapted Physical Education Specialist, testified in support of the CS for SB 200(FIN), and reported her experience of applying the CDC standards to children with disabilities. She said she has facilitated workshops in nine districts to provide 250 teachers with CDC funded training specifically designed to ensure the inclusion of disabled students in physical activities. She directed attention to the

bill, as originally introduced, and expressed concern for the language contained on page 1, lines [12-14], which read:

The policy established under this subsection must allow a student to be excused from the physical activity requirements if the student is unable to participate because of a physical disability or for a medical reason.

MS. SKOGSTAD highlighted the language, "because of a physical disability," to state that the exclusion of children with disabilities is primarily due to a teachers' lack of training to include them. The stipulation opens the door for a school to not provide physical activity programs for students with disabilities. She recommended deleting the physical disability language, as it is unnecessary and can be limiting. Additionally, it conflicts with the Disabilities Education Act (IDEA), which states that children with disabilities are required to have access to physical education (PE); especially designed if necessary. The districts are already complying, she reported, and given the availability of a CDC grant, the effort, thus far, has been cost free to the state.

[8:27:45 AM](#)

REPRESENTATIVE DRUMMOND ascertained that children with physical disabilities are required to have PE.

MS. SKOGSTAD responded that IDEA pertains to several categories of disabilities; however the language in the CS is unnecessary and may be in conflict with the federal act, as it provides a means for exclusion of the disabled population.

[8:32:12 AM](#)

MARK FRAAD, Physical Education Teacher, stated support for the CS for SB 200(FIN), paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am the PE teacher at Seward Elementary School. When I was first contacted to present a success story, I was unsure I really had anything to offer. But then they said, Mark, would you share how Seward Elementary School is able to offer PE to grades 3 through 5 every day. So, I said sure!

To begin, just a little note: Seward Elementary School use to have six graders, but it was decided three years ago to move them to the middle school. Since then we added pre-K, and I now teach pre-school - 5th graders physical education.

Well, first I will say, every school has their challenges, restraints, and obstacles and might not be able to do exactly what we did. What we did as a school was access research and think outside-of-the-box.

Back in 2005, we were exploring, like many schools, ways to increase our test scores, decrease behavior issues, and tackle the childhood obesity epidemic. What we did as a staff was come together and review current research showing that children do better academically when they are more physically active in structured PE and unstructured recess, and that behavior improves, too.

Simply, Movement is the single most powerful tool to optimize brain function. I'll repeat that, "Movement is the single most powerful tool to optimize brain function".

At the time, we offered 30 minute PE classes 2 to 3 times a week. Pretty common! So, our initial step was to formulate an idea to change! In other words we wanted to change what we were doing and be better. Simply, we wanted to offer our students the most physical movement possible!

From that idea we created a model. That model involved the following:

First, to move lunches into the classroom. In my mind that was one of the most important things we did. What this did was to free up the gym for 2 additional PE classes each day. We have a wonderful, understanding, and involved staff, they understood our objectives and they bought in. I would also say as a result of moving lunches into the classroom - lunch time behavior issues decreased substantially. As a side note, talking about lunch, eventually, with the help of nutrition services we were also able to eliminate a la cart items from our lunch menu. And

slowly our lunches have improved over the years. For years we were also eligible for the fruit and vegetable snack program. Which is a wonderful program! The past two years we have not been eligible!

Second, I as the PE teacher would have to teach 11 PE classes daily. Which is a pretty heavy load. And, as you can see, I am no longer a spring chicken.

Third, we would increase unstructured recess time. We would offer 15 minutes in the morning, 30 minutes at lunch, and encourage all teacher's to take their class out one or two more times during the day for recess, when possible.

Fourth we would offer healthy alternatives to class food/pizza parties. That being, an extra PE class. We found that the students would much rather have an extra PE class than a food party. We did this by offering double PE classes. That involved a simple scheduling change where we scheduled same age classrooms back to back for PE, so I could take two classes at a time and double their PE. One of the positive results of this was that we were able to offer our teachers, occasionally, an extra 30 minutes of prep or collaboration time. And, of course they love that!!

Fifth we would offer five intramural sport activities a year: Cross country running, soccer, basketball, volleyball, and cross-country ski and for years, I coached up to four of those.

Sixth, whenever I had extra funding for PE I directed it towards purchasing equipment for the classroom, so called "Take 10" equipment for teachers to use in their rooms. This includes stuff like... (rubber band balls, high density foam balls, small beach balls, small hula hoops, etc.).

Seventh, with the help of the Kenai borough and our wonderful PTSA we were able to finance new playground equipment. That was huge! Now more than ever the kids wanted to go outside.

It's important to also mention that we have at Seward Elementary a phenomenal Boys and Girls club in our building and that they do an exceptional job keeping the kids active. Seward also has a wonderful Parks and Recreation program which is very much elementary school centered.

The results of all this, during the school year following all the additions were:

The students proficient in math and reading increased in grades three through six.

In 2006/07 we were recipients of the Alaska Performance Incentive Award.

In 2007/08 we won the Blue Ribbon Award.

In 2008/09 we were once again recipients of the Alaska Performance Incentive Award. In fact, we were 1 of 13 schools in Alaska that received the award 2 out of the three years it was offered.

You might be asking what is the Alaska Performance Incentive program. The Alaska performance incentive program if you recall ran for three years and tied extra pay to students' academic improvement. The program was started by Governor Frank Murkowski and then Commissioner of Education Roger Sampson. Though controversial it allowed for certificated and non-certificated staff to receive incentive payments on top of their base salary. Bonuses ranged from \$2500-\$5500 for licensed staff members including administrators and teachers, to \$1,000 to \$2,500 for classified staff.

The Blue Ribbon Schools Program is a National program began in 1982 that recognizes public and private elementary, middle, and high schools based on their overall academic excellence for their progress in closing achievement gaps.

In addition, in 2012/13 we received the USDA Healthier US School Bronze Award. The USDA Healthier US School Challenge is a voluntary certification initiative recognizing those schools enrolled in Team Nutrition

that have created healthier school environments through promotion of nutrition and physical activity.

In addition to all this, behavior throughout Seward Elementary school vastly improved. And, we created a positive culture of fitness, health, and excellence that continues to this day.

MR. FRAAD added that the activities mentioned were done without the need of additional funding, and the benefits were apparent.

[8:40:28 AM](#)

GEORGE BROWN, DR., Pediatrics, stated support for the CS for SB 200(FIN), and said much of his career has been an effort to put children into physical motion. Many complications exist, but much of the overweight issues are due to media fixation. He pointed out that the goals proposed can be accomplished without a fiscal note.

[8:44:02 AM](#)

DENALI DANIELS, Consultant, stated support for the CS for SB 200(FIN), paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am a lifelong Alaskan born, raised and educated in the state. I own DDA, Inc., a small consulting business in Anchorage. DDA provides policy research and support services to nonprofit, government and private sector clients. We have a team of 4 and typically handle about a dozen clients at a time.

In 2014 DDA completed Assessment of AK School Districts Physical Education and Recess Policies on behalf of the [Department of Health and Social Services (DHSS)]. While my project was funded through the state, my testimony is personal, and does not represent the State of Alaska.

In 2004 the Child Nutrition and WIC Reauthorization Act required School districts to develop wellness policies as a condition for receiving federal funding for school meals.

"Physical Activity" is component of these wellness policy requirements

In 2010, Congress passed the Healthy, Hunger-Free Kids Act, which led to the CDC adopting School Health Guidelines, including the current Physical Activity recommendations found in SB200.

2014: DDA [was] hired by DHSS to assess Alaska's school district policies in meeting these national requirements. The framework involved a two part process: 1) Survey of all 54 school districts with questions about written policies and practices regarding PE and recess, broken out by elementary, middle and high school; 2) Successfully collect and analyze of existing policies (51). Policies were scored using a methodology established by the RWJ foundation

The purpose of this project was to gather basic information about school district policies on PE and recess in Alaska.

In terms of findings specific to SB200:

Only 28 of Alaska's 54 school districts, or roughly half, have a written policy requiring PE at the elementary or middle school levels

Of the 53 school districts with elementary schools, only 16 included minutes in their written policies (9)

The state of Alaska does not require PE at the elementary or middle school levels, however 43 other states mandate PE for elementary students and 41 states at the middle school level

While many districts have written policies, few have minutes written into them

Only 10% of districts have a written policy requiring the recommended minutes of PE at the elementary and middle school levels (28)

In terms of recess, 33 districts have no written amount of time specified for recess at the elementary level, and 50 districts have no recess requirements at the middle school level

Anecdotally, in our communications with school district representatives there DOES seem to be a desire to provide more physical activity to students

School district representatives were interested in responding to our survey and excited about providing input about this important issue

We do believe that adopting written policies provides school districts with higher likelihood of implementation

After learning about Alaska's school districts policies on PE and recess, I was thrilled to learn that the work we produced on such a critical issue was not collecting dust on a shelf, and I'd like to commend Senator Costello and her staff for putting our work into implementation through SB200.

In closing, Senate Bill 200 has my support - it provides direction to school districts on the importance of physical activity while still maintaining flexibility for local decision making.

[8:52:16 AM](#)

TRAVIS HARRINGTON, Athletic Coach, testified on the CS for SB 200(FIN), and summarized the robust level of activities provided at the school where he teaches. However, the health and physical education (PE) requirements "butt heads" in the daily schedule, he said, and music electives would be supplanted by the bill requirement; representing a loss to those students. The demands on the schedule are the issue, but allowing intermural and interscholastic sports to satisfy the requirement would be helpful and resolve the conflict for attending a formal PE class. At one time elementary schools had morning, afternoon, and a lunch recess, which may not occur today. However, in middle and high schools, many team activities are accessible and could count to satisfy the requirements, he suggested.

[8:56:52 AM](#)

AMY JO MEINERS, Teacher of the Year, stated concern for the CS for SB 200(FIN), noting that costs will be borne by the districts. Although a fiscal note indicates zero to the department, she maintained that there will be associated costs

locally, particularly considering the budget cuts that have resulted in the reduction of PE teachers.

[8:57:58 AM](#)

CHAIR KELLER closed public testimony.

[8:58:25 AM](#)

REPRESENTATIVE DRUMMOND moved to adopt Conceptual Amendment 1, as follows:

Page 1, line 6:

After "school district"
Delete "shall require"
Insert "will encourage"

After "in the district"
Delete "to include"
Insert "to provide opportunity"

[8:58:44 AM](#)

CHAIR KELLER objected for discussion.

REPRESENTATIVE DRUMMOND said this amendment satisfies a request made by the Kenai Borough School District.

[9:00:09 AM](#)

REPRESENTATIVE TALERICO commented that a measure was adopted locally in his district which provided an exemption clause to physical education (PE) classes for students to use when conforming their schedules in order to meet other graduation credit requirements. He reported that it came with disastrous results and did not represent an improvement to the school system. The schedules may be tight, but the best students are often the most active in student sports, he said, and provided a brief anecdote of a local scholar who was also a star athlete to underscore his support for the bill.

[9:02:08 AM](#)

REPRESENTATIVE DRUMMOND opined that at the elementary level, where flexibility exists, this bill poses no problem, but at the middle school and above there may be issues for scheduling and

push back on this type of requirement can be expected. The fiscal note may be zero, but, she maintained, it will cost the districts money. The removal of the word "require" may be the solution.

CHAIR KELLER maintained his objection.

[9:03:39 AM](#)

A roll call vote was taken. Representative Drummond voted in favor of Conceptual Amendment 1. Representatives Vazquez, Spohnholz, Talerico, and Keller voted against it. Therefore, Conceptual Amendment 1 failed by a vote of 1-4.

[9:04:36 AM](#)

REPRESENTATIVE DRUMMOND moved to adopt Conceptual Amendment 2, as follows:

Page 2, Line 1:

Delete "because of physical disabilities or"

CHAIR KELLER objected for discussion.

[9:04:54 AM](#)

REPRESENTATIVE DRUMMOND said this is in response to today's testifier, Ms. Skogstad, and to align with IDEA as described. The medical reason excusal will be retained, and is congruent with common sense.

[9:05:44 AM](#)

CHAIR KELLER pointed out that the bill authorizes the school districts to adopt policy for the physical activity program and the IDEA requirements are clear; negating the need to amend.

[9:06:34 AM](#)

REPRESENTATIVE SPOHNHOLZ stated support for the amendment, as a loophole may exist. It could be important to ensure that students with physical needs are not subject to presumptions regarding their abilities.

[9:07:34 AM](#)

CHAIR KELLER maintained his objection, and deferred to the sponsor.

SENATOR COSTELLO agreed with the chairs reason for objection and said that the forthcoming departmental regulations would close any loopholes.

[9:08:23 AM](#)

A roll call vote was taken. Representatives Spohnholz, Talerico and Drummond voted in favor of Conceptual Amendment 2. Representatives Vazquez, and Keller voted against it. Therefore, Conceptual Amendment 2 was adopted by a vote of 3-2.

[9:09:29 AM](#)

REPRESENTATIVE VAZQUEZ moved to report committee substitute (CS) for SB 200 (FIN), 29-LS1305\H, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 200(EDC) was reported from the House Education Standing Committee.

CHAIR KELLER expressed his gratitude for the committees work throughout the legislative session and thanked the day's participants.

[9:09:47 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:09 a.m.