

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S4/7/03
A Bill

SENATE BILL 936

5 By: Senator Steele
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8 **For An Act To Be Entitled**

9 AN ACT TO CHANGE THE REQUIREMENT FOR PHYSICAL
10 EDUCATION UNDER ARKANSAS CODE § 6-16-132 FROM
11 STUDENTS THROUGH NINTH GRADE TO STUDENTS THROUGH
12 EIGHTH GRADE; TO REQUIRE THE DISTRICT TO PROVIDE
13 ASSURANCE OF COMPLIANCE; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 AN ACT TO CHANGE THE REQUIREMENT FOR
17 PHYSICAL EDUCATION UNDER ARKANSAS CODE §
18 6-16-132 FROM STUDENTS THROUGH NINTH
19 GRADE TO STUDENTS THROUGH EIGHTH GRADE;
20 TO REQUIRE THE DISTRICT TO PROVIDE
21 ASSURANCE OF COMPLIANCE.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 6-16-132 is amended to read as follows:

27 6-16-132. Physical education.

28 (a) The General Assembly finds:

29 (1) That research has shown that active children become active
30 adults;

31 (2) That children who engage in physical education at school are
32 twice as likely to engage in physical activity outside of school;

33 (3) That research has shown that physical exercise contributes
34 to maximizing brain function by increasing cerebral blood flow and levels of
35 brain cell growth hormone; and

36 (4) That research has shown that physical exercise decreases the



1 incidence of clinical depression, even for persons diagnosed with cancer,
2 and.

3 ~~(5) That the Physical Education for Progress Act authorized~~
4 ~~under Title X of the Elementary and Secondary Education Act makes federal~~
5 ~~dollars available for kindergarten through grade nine (K-9) physical~~
6 ~~education programs.~~

7 (b)(1) Every kindergarten through grade ~~nine (K-9)~~ eight (K-8) public
8 educational institution in this state shall require no less than a total of
9 one (1) hour per week of physical education training and instruction ~~which~~
10 ~~includes no less than twenty (20) minutes of physical activity three (3)~~
11 ~~times a week~~ for every student who is physically fit and able to participate.

12 (2) The physical education training and instruction shall be
13 designed to:

14 (A) Improve the health of this state's school children;

15 (B) Increase knowledge about the health benefits of
16 physical activity and exercise;

17 (C) Develop behavioral and motor skills that promote a
18 lifelong commitment to healthy physical activity;

19 (D) Promote health-focused physical activity among
20 children and adolescents; and

21 (E) Encourage physical activity outside of physical
22 education.

23 (3) Suitable modified courses shall be provided for students
24 physically or mentally unable or unfit to take the course or courses
25 prescribed for other pupils.

26 (4)(A) A student may be exempted from physical education and
27 physical activity requirements by seeking a waiver from the local school
28 board of directors.

29 (B) The local board may grant such a waiver based on the
30 following criteria:

31 (i) The student must present a statement by the
32 student's attending physician indicating that participation in physical
33 education and physical activity will jeopardize the student's health and
34 well-being; or

35 (ii)(a) The parent and student must show that
36 attending physical education classes will violate the student's religious

1 beliefs and would not be merely a matter of personal objection; and

2 (b) The parent or student must be members of a
3 recognized religious faith that objects to physical education as part of its
4 official doctrine or creed.

5 (c) The local board shall encourage a student granted a waiver under
6 subdivision (b)(4) to take, as an alternative to physical education,
7 appropriate instruction in health education or other instruction in lifestyle
8 modification if an exemption is granted pursuant to this section.

9 (d) Each school shall develop a physical education program which fits
10 effectively and efficiently into the school's existing organization while
11 incorporating the goals of this section.

12 (e) Nothing in this section shall be construed to require any school
13 or school district to hire personnel certified in physical education.

14 (f) Each school district shall report to the Department of Education
15 by October 15 of each school year by sending a letter of assurance that the
16 district has in a timely manner complied with the requirements of this
17 section.

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19 /s/ Steele
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