

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**

**Act 1729 of 2003**  
SENATE BILL 936

5 By: Senator Steele  
6  
7

**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

**Subtitle**

15 AN ACT TO CHANGE THE REQUIREMENT FOR  
16 PHYSICAL EDUCATION UNDER ARKANSAS CODE §  
17 6-16-132 FROM STUDENTS THROUGH NINTH  
18 GRADE TO STUDENTS THROUGH EIGHTH GRADE;  
19 TO REQUIRE THE DISTRICT TO PROVIDE  
20 ASSURANCE OF COMPLIANCE.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

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.

18  
19 /s/ Steele

20  
21  
22 **APPROVED: 4/22/2003**  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36