

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

2

**HOUSE BILL 303
Committee Substitute Favorable 4/9/03**

Short Title: Healthy, Active Children in Grades K-8.

(Public)

Sponsors:

Referred to:

March 6, 2003

A BILL TO BE ENTITLED
AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN
THROUGH EIGHTH GRADE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

- (1) A core curriculum for all students that takes into account the special needs of children and includes appropriate modifications for the learning disabled, the academically or intellectually gifted students, and the students with discipline and emotional problems;
- (2) A set of competencies, by grade level, for each curriculum area;
- (2a) A requirement that children in kindergarten through eighth grade participate in daily physical education at least 30 minutes each school day;
- (3) A list of textbooks for use in providing the curriculum;
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with special needs and, in particular, include appropriate modifications;
- (5) A program of remedial education;
- (6) Required support programs;
- (7) A definition of the instructional day;
- (8) Class size recommendations and requirements;
- (9) Prescribed staffing allotment ratios;
- (10) Material and equipment allotment ratios;
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and

1 (12) Any other information the Board considers appropriate and necessary.

2 The State Board shall not adopt or enforce any rule that requires Algebra I as a
3 graduation standard or as a requirement for a high school diploma for any student whose
4 individualized education program (i) identifies the student as learning disabled in the
5 area of mathematics and (ii) states that this learning disability will prevent the student
6 from mastering Algebra I."

7 **SECTION 2.** G.S. 115C-47 is amended by adding a new subdivision to read:
8 "**§ 115C-47. Powers and duties generally.**

9 In addition to the powers and duties designated in G.S. 115C-36, local boards of
10 education shall have the power or duty:

11 . . .

12 (44) To Ensure That All Students in Kindergarten through Eighth Grade
13 Participate in Physical Education. – It is the duty of each local board of
14 education to ensure that all students in kindergarten through eighth
15 grade participate in at least 30 minutes of physical activity in a
16 physical education program each school day. Physical activity shall
17 consist of physical exertion of at least moderate intensity level and for
18 a duration sufficient to provide a significant health benefit to students.
19 It shall take place in an environment in which students learn, practice,
20 and are assessed on developmentally appropriate motor skills, social
21 skills, and knowledge.

22 Local boards of education shall establish specific learning goals
23 and objectives for the program based on the North Carolina Healthful
24 Living Curriculum. The physical education program shall:

- 25 a. Emphasize knowledge and skills for a lifetime of regular
26 physical activity;
27 b. Be consistent with the North Carolina Healthful Living
28 Standard Course of Study;
29 c. Provide many different physical activity choices;
30 d. Feature cooperative as well as competitive games;
31 e. Meet the needs of all students, especially those who are not
32 athletically gifted;
33 f. Take into account gender and cultural differences in students'
34 interests;
35 g. Teach self-management skills as well as movement skills;
36 h. Actively teach cooperation, fair play, and responsible
37 participation in physical activity incorporating character
38 education concepts;
39 i. Be an enjoyable experience for students;
40 j. Be a safe environment in which children learn and participate;
41 and
42 k. Integrate health-related fitness testing into the curriculum as an
43 instructional tool except in the early elementary grades.

1 No student shall be permitted to waive or substitute other classes
2 for the physical education requirement. Suitably adapted physical
3 education shall be included as a part of the individual education plans
4 for students with chronic health problems, other disabling conditions,
5 or other special needs that preclude participating in regular physical
6 education instruction or activities."

7 **SECTION 3.** This act is effective when it becomes law and applies to all
8 school years beginning with the 2003-2004 school year.