

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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**HOUSE BILL 303**  
**Committee Substitute Favorable 4/9/03**  
**Third Edition Engrossed 4/28/03**

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

(Public)

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Sponsors:

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Referred to:

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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 physical activity at least 150 minutes a week;
- (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 Activity. – It is the duty of each local board of  
14 education to ensure that all students in kindergarten through eighth  
15 grade participate in a physical activity program for at least 150 minutes  
16 each school week. Physical activity shall consist of physical exertion  
17 of at least moderate intensity level and for a duration sufficient to  
18 provide a significant health benefit to students. It shall take place in an  
19 environment in which students learn, practice, and are assessed on  
20 developmentally appropriate motor skills, social skills, and knowledge.

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

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

43 No student shall be permitted to waive or substitute other classes  
44 for the physical activity requirement. Suitably adapted physical

1                    activity shall be included as a part of the individual education plans for  
2                    students with chronic health problems, other disabling conditions, or  
3                    other special needs that preclude participating in regular physical  
4                    activity."

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