

**SB 4 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Courtney

**Senate Committee On Education**

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**Action Date:** 04/13/17  
**Action:** Do pass with amendments. (Printed A-Eng.)  
**Vote:** 5-0-0-0  
**Yeas:** 5 - Gelser, Hass, Kruse, Linthicum, Roblan  
**Fiscal:** No fiscal impact  
**Revenue:** No revenue impact  
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**WHAT THE MEASURE DOES:**

Allows sixth graders who attend kindergarten through sixth grade schools to take physical education for 150 minutes each week. Requires sixth graders who attend sixth through eighth grade schools to take physical education for 225 minutes each week. Requires the Oregon State Board of Education to adopt rules relating to proration of time requirements.

Allows school districts to prorate time requirements under certain circumstances. Exempts school districts and charter schools from time requirements for any biennium in which the total amount appropriated to the State School Fund and available for distribution to school districts is less than the amount determined to be needed for school districts in the tentative budget prepared by the Oregon Department of Administrative Services. Allows up to 45 minutes of activities each week to satisfy the time requirement if those activities meet academic content standards for physical education and are provided by a teacher whose license allows physical education. Allows teachers with an elementary multiple subject endorsement to instruct students in physical education activities if the activities are reviewed by a teacher with a physical education endorsement.

Requires the Oregon Department of Education (ODE) to review and approve activities developed by nonprofit organizations and make a list of approved activities available to school districts and public charter schools. Requires ODE to collect data on the number of minutes of physical education offered to students. Requires ODE to provide technical assistance to school districts and public charter schools. Requires ODE to develop recommendations for implementation.

Allows school districts and public charter schools to provide activities developed by nonprofit organizations even if those activities are not on the approved list. Institutes a hold-harmless period until the end of the 2022-2023 school year in which school districts may not be considered non-standard for not meeting the physical education requirements. Establishes transition period for the 2019-2020 through 2021-2022 school years allowing for students to participate in physical education for 80 percent of the minutes required by current law. Declares emergency, effective July 1, 2017.

**ISSUES DISCUSSED:**

- Current state law
- Physical education as the only subject with a mandatory minimum number of minutes
- Benefits to children of physical activity

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

House Bill 3141 (2007) required elementary schools to provide 150 minutes and middle schools to provide 225 minutes of physical education each week. The bill required instruction to be part of a sequential, developmentally

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appropriate curriculum designed, implemented and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives. The bill required at least 50 percent of the physical education class time to be actual physical activity with as much time as possible spent in moderate physical activity. It required adaptive physical education for students with disabilities or chronic health problems.

During the 2015-16 school year, students in elementary schools received the following average number of physical education minutes per week, despite the legal requirement of 150 minutes:

- Kindergartners: 67 minutes
- 1st Graders: 74 minutes
- 2nd Graders: 75 minutes
- 3rd Graders: 75 minutes
- 4th Graders: 75 minutes
- 5th Graders: 77 minutes

During the 2015-16 school year, students in middle schools received the following average number of physical education minutes per week, despite the legal requirement of 225 minutes:

- 6th Graders: 142 minutes
- 7th Graders: 159 minutes
- 8th Graders: 155 minutes